

Report to the Licensing Sub-Committee

Date of meeting: 04 December 2014

Subject: Co-op, 113 Church Hill, Loughton, Essex, IG10 1QR

**Responsible Officer: Kim Tuckey 01992 564034
Licensing Manager**



**Epping Forest
District Council**

Democratic Services: Mark Jenkins)1992 56 4607

Decisions Required:

To determine the application for a New Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by Co-operative Group Food Ltd for a new premises licence for the above premises. The application was received on the 17th October 2014 and is attached to this report. The application sets out the relevant licensing activities applied for and times requested.
2. The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

Licensing Act 2003

3. When considering an application for a licence the licensing authority must have regard to steps that are appropriate to promote of the licensing objectives. These are—
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
4. It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

Consultation

5. The Responsible Authorities have received a copy of the application; it was properly advertised at the premises and in a local newspaper.
6. The authority received a letter from Essex Police stating that they have no representations to make
7. The authority also received a letter from the Quality Assurance & Safeguarding Service at Essex County Council & EFDC Public Health both stating they have no representations to make
8. The authority received an acknowledgement letter from and Essex County Fire & Rescue
9. The authority received a representation from Loughton Town Council. This objection has been withdrawn because the applicant has agreed to change the sale of alcohol

commencement time to 0700hrs instead of 0600hrs as per Loughton Town Council's request.

10. The authority has received three representations from residents; Joan & Brian Gell, Mr Paul Sherman & Mrs Diane Sherman
11. The Objections relate to; the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.
12. The applicant has provided Members with a training guide as supporting documentation. This document has been supplied to members and has also been offered to objectors to consider. Hard copies will available at the hearing.

Guidance Issued by the Secretary of State

13. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
14. Sections 2.1 – 2.7 & 2.18 - 2.35 of the Guidance are relevant to this application.

Options

In determining this application the Sub-Committee may take any of the following steps as it considers necessary for the promotion of the licensing objectives, namely:

- (a) to grant the licence as applied for subject to
 - the conditions mentioned in the Operating Schedule modified as the Sub-committee considers necessary for the promotion of the licensing objectives, and
 - the mandatory conditions specified in the Licensing Act 2003, or
- (b) to exclude from the scope of the licence any licensable activities to which the application relates, or
- (c) refuse to specify a person as the premises supervisor, or
- (d) reject the application

Determination

The Sub-committee is asked to determine the application having regard to

- (a) the content of this report and representations
- (b) any additional information obtained from the hearing
- (c) the Council's statement of licensing policy
- (d) Guidance issued by the Secretary of State, and
- (e) the steps appropriate to promote the licensing objectives.

Appeal

If any party is aggrieved with the decision they can appeal to Magistrates court. The appeal period is 21 days from notification of the decision.

Background Papers Used In Preparing This Report:

- The Licensing Act 2003
<http://www.legislation.gov.uk/ukpga/2003/17/contents?view=plain>
- The Secretary of State's Guidance issued under Section 182 Licensing Act 2003
- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- Application for premises licence
- Plan
- Example public notice
- Newspaper advert
- Letter from Essex Police
- E-mail from Quality Assurance & Safeguarding Service (ECC)
- E-mail from Brian Stalabass – EFDC Public Health
- Letter from Essex County Fire & Rescue Service
- Representation from Loughton Town Council
- E-mail from applicants solicitor confirming the change in commencement time
- E-mail from Loughton Town Council confirming withdrawal of representation
- Representation from Mr & Mrs Gell
- Representation from Mr Paul Sherman
- Representation from Mrs Diane Sherman
- Map showing the area