

Report to the Licensing Sub-Committee



**Epping Forest
District Council**

Date of meeting: 14 July 2015

Subject: Sainsbury's, Former Public Car Park, Church Hill, Loughton, Essex, IG10 1QR

Responsible Officer: Sarah Kits (01992 564403)

Democratic Services: Gary Woodhall (01992 564470)

Decisions Required:

(1) To determine the application for a Premises Licence under the Licensing Act 2003.

Report:

Application

1. An application has been made by Sainsbury's Supermarkets Ltd for a new premises licence for the above premises. The application was received on the 3 June 2015 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 applicant revised the opening hours applied for, to 07:00hrs – 23:00hrs daily; please see attached email.

7. The authority received emails from Essex Police, Quality Assurance and Safeguarding, Neighbourhoods and Loughton Town Council stating that they have no representation to make.

8. An acknowledgement was received from Essex County Fire and Rescue.
9. The authority has received ten objections from local residents.
10. The Objections relate to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Guidance Issued by the Secretary of State

11. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
12. Sections 2.1 – 2.31 of the Guidance are relevant to this application.

Options

13. 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

14. 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

15. If any party is aggrieved with the decision they can appeal to the 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
- Email confirming the changes to the application from the applicants solicitor
- Letter from Essex Police
- Acknowledgement from Essex County Fire and Rescue
- Letter from Quality Assurance and Safeguarding Team
- Email from Neighborhoods Manager
- Letter from Loughton Town Council
- Email of objection from Raj Patel
- Email of objection from S W Short
- Email of objection from Alan and Lindsay Horne
- Email of objection from Martin Brazier
- Email of objection from Susan and David Wilding
- Letter of objection from Mr and Mrs Gell
- Email of objection from Sheema and Paul Sherman
- Letter of objection from Michelle and Mark Mulholland
- Letter of objection from Mr Jonathan Gifford
- Letter of objection from David and Rosemarie Jarrett
- Map showing the area