

Report to the Licensing Sub-Committee

Date of meeting: 9th February 2016

Subject: Maxx Off Licence, 146D High Street, Epping, CM16 4AG

**Responsible Officer: Nuala Clark 01992 564340
Licensing Compliance Officer**

Democratic Services: Adrian Hendry, ext.4246



**Epping Forest
District Council**

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 Murat Eser for a new premises licence for Maxx Off Licence at the above address. The application is for off sales of alcohol only Monday to Sunday 09:00 to 24:00. The application was received on the 18th December 2015.
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 also advertised at the premises and in a local newspaper.

6 All residences and businesses within 150 meters radius of the premises were individually consulted.

7 The authority had originally received 5 objections, however, subsequently; the Police and Councillor Jon Whitehouse and 1 local resident have withdrawn their objections. The Police have done so on the proviso that conditions are applied, please see the attached letter. Councillor Whitehouse has withdrawn but would like his comments taken into account; again, please see the attached correspondence from him. A further 2 objections have been received from local residents, which are also attached.

8 Responses have been received from the Essex Fire Service who have no objections.

9 The Objections relate to the prevention of public nuisance and the protection of children from harm.

Guidance Issued by the Secretary of State

10 The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.

11 Sections 2.18 to 2.25 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 a new premises licence
- Plan of the premises.
- Newspaper advert
- Map of the area
- Letters from the Police and Cllr Whitehouse withdrawing and Essex Fire & Rescue who had no objection
- 2 letters of objections from local residents