

Report to the Licensing Committee

Date of meeting: 22nd March 2017

Subject: Malthurst Four Wantz Service Station, Four Wantz Roundabout, Ongar CM5 0AH

Responsible Officer: Mrs Nuala Clark 01992 564340
Licensing Compliance Officer

Democratic Services: Adrian Hendry, ext.4246



**Epping Forest
District Council**

Recommendations/Decisions Required:

To determine the application for a variation of an existing Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by Malthurst Limited, the Premises Licence Holder for a variation to the premises licence for the above premises. The authority received the application on 3rd February 2017. The application sets out the varied licensing activities applied for and times requested. A copy of the present licence for the premises, detailed plans, the application for variation and the public notice are attached.
2. The applicant is requesting:
 - To extend the hours for the sale of alcohol to 24 hours daily
 - To remove all the conditions in Annex 2 of the premises licence.
 - To include in Annex 2 of the premises licence the conditions in boxes b to e of Section 16 of this application
 - To make alterations to the premises as per the attached plan
3. Section 16 of the application for variation amends the Operating Schedule of the premises licence and sets out some new conditions which will be attached to the licence if this application is granted.

Licensing Act 2003

4. When considering an application for a licence the licensing authority must have regard to the promotion 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

6. The Responsible Authorities have received a copy of the application; it was properly advertised at the premises and in a local newspaper
7. The authority has received a 38 signatory petition and one further representation from a local resident.
8. The representations relate to, The prevention of crime and disorder, public nuisance and the protection of children from harm.

Guidance Issued by the Secretary of State

9. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
10. Paragraphs 2.1 to 2.5 and 2.14 to 2.20 and 2.21 to 2.30 apply

Options

11. 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:
 - to modify the conditions of the licence; or
 - to reject the whole or part of the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

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
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary>
- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- Application for premises licence
- A copy of the Premises Licence
- Detailed Plans
- Copy of the notice
- Representation from Interested Parties
- Map showing the area