

# **Report to the Licensing Committee**

**Date of meeting: 9 May 2017**

**Subject: Tesco Theydon Bois Express Coppice Row Theydon Bois Epping CM16 7EU**



**Epping Forest  
District Council**

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

**Democratic Services Officer: R.Perrin 01992 564532**

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## **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 Tesco Stores Limited, the Premises Licence Holder for a variation to the premises licence for the above premises. The authority received the application on 14<sup>th</sup> March 2017. The application sets out the varied licensing activities applied for and times requested. A copy of the present licence for the premises, the application for variation and the public notice are attached.

2. The applicant is requesting to amend the licensable hours to 06:00 to 23.00 Monday to Sunday (previous hours were Mon-Sat 08:00 to 23.00, Sun 10:00 to 22:30). And to remove the Good Friday and Christmas day trading restrictions.

3. Section [M] of the application for variation confirms the Operating Schedule of the premises.

#### **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.

5. 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, on the website and an 150 metre consultation was carried out to local businesses and residents.

7. The authority has received one representation from a local resident. The Police and Essex Fire Service responded with no objections.

8. The representations relate to the protection of children from harm and the prevention of

crime and disorder.

### **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 2.6 and 2.22 and 2.32 of the Licensing Act Guidance 2003 applies

### **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>
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### **Attached documents**

- The current premises licence
- Application for a variation of the premises licence
- Copy of the notice
- Representation from local resident
- Map showing the area