

Report to the Licensing Sub Committee

Date of meeting: 2nd July 2024

Subject: Application for a New Premises Licence in respect of Mild Spirits, 6 The Fountains, Loughton, IG10 4RZ

**Responsible Officer: Mrs Handan Ibrahim
Licensing Compliance Officer**

Democratic Services:



**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 Mild Spirits Ltd to store and sell alcohol via on-line sales only. The applicant is applying for the following licensable activities:

The sale of alcohol (off-sales only)

Monday to Sunday - 09:00 to 17:00

There will be no public access.

2. The application was received on the 10th May 2024.
3. The Operating Schedule sets out 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 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.
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 also advertised at the premises and in a local newspaper.
7. The authority has received representations from Loughton Town Council and Loughton Residents Association Plans Group, which are also attached. The applicant has also agreed the following conditions with Essex Police Licensing:

- Off-sales are not permitted to persons on or in the immediate vicinity of the premises: sales of alcohol for consumption off the premises may only be made to persons at another location to whom alcohol will be delivered by the licence holder or his agent.
- Order payments will only be taken by credit/debit card via web sales or telephone, no payment will be accepted at the door.

8. The objections relate to:

- a. the prevention of public nuisance

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. Sections 2.15 to 2.21 of the Guidance are relevant to this application

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:
 - (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

12. 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 of the premises
- Newspaper advert
- Blue Notice
- Map of the area
- Conditions agreed with Essex Police
- Objection received from Loughton Town Council.
- Objection received from Loughton Residents Association Plans Group