

# **Report to the Licensing Sub-Committee**

**Date of meeting: 7<sup>th</sup> February 2012**

**Subject: Metro Store 785 Chigwell Road, Chigwell Essex**

**Responsible Officer: Kim Tuckey 01992 564034  
Senior Licensing Officer**



**Epping Forest  
District Council**

**Democratic Services: Adrian Hendry (01992 564246)**

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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 Metro Superstores Ltd, the Premises Licence Holder for a variation to the premises licence for the above premises. The authority received the application on 13/12/2011. 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 the removal of a condition set by panel, and the removal of a condition that prohibits the sale of alcohol between 16:00 and 19:00. The applicant is also requesting an increase in the times for the sale of alcohol from those permitted by the licence to 8:00 to 23:00 Monday to Sunday. He has also stated that he wishes to increase the opening hours.
3. Sections M, O & P of the application for variation seeks to amend 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.
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
7. The authority has received three representations from three interested party's and

one representation from Essex Police

8. The representations relate to the prevention of crime and disorder and the prevention of public nuisance. Copies of the letters are attached to the agenda.

### **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.

### **Options**

10. 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

- (b) the content of this report and representations
- (c) 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 necessary to comply with 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
- Copy of the notice
- Representation from the Interested Parties & Essex Police
- Map showing the area