

Report to the Licensing Sub-Committee

Date of meeting: 7th August 2012



**Epping Forest
District Council**

**Subject: Chigwell Stores, Brook Parade, Chigwell, Essex
IG7 6PE**

**Responsible Officer: Kim Tuckey
(01992 564034)**

**Democratic Services: Gary Woodhall
(01992 564470)**

Decisions Required:

- (1) To determine the applications:**
- (a) for a transfer of the premises licence of Chigwell Stores; and**
 - (b) to vary the licence to specify a new Designated Premises Supervisor.**

Report:

1. The premises currently hold a licence which authorizes them to supply alcohol for retail consumption off the premises. A copy of the licence is attached.
2. An application has been made by Mr Kamanan Ali for the transfer of the Premises Licence to him. A copy of this application is attached together with the consent of the current premises licence holder.
3. Mr Ali has also applied to vary the premises licence to specify himself as the Designated Premises Supervisor (DPS). A copy of the application and consent of the current DPS are attached.

Consultation

4. When an application is made for the transfer of a Premises Licence and an application to vary the Premises Licence to specify a new DPS, the Applicant must give notice to the Chief Officer of Police of the police area in which the premises are situated. If a Chief Police Officer is satisfied that the exceptional circumstances of the case are such that the granting of the applications would undermine the crime prevention objective, he must give the authority notice stating the reasons.

5. Essex police have objected to the transfer of the Premises Licence and the proposed DPS due to the applicant having a criminal record. Copies of the letters of objection are attached.

Premises Licence

6. Having regard to the notice submitted by the police, the Sub-Committee may either grant the application or reject the application if it considers it necessary for the promotion of crime prevention objective.

7. Guidance issued by the Home Office under section 182 of the Licensing Act 2003 states:

“8.99 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder).”

New Designated Premises Supervisor

8. Having regard to the notice submitted by the police, the Sub-Committee may either grant the application or reject the application if it considers it necessary for the promotion of crime prevention objective.

9. Guidance issued by the Home Office under section 182 of the Licensing Act 2003 states:

“4.28 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns.”

Appeal

10. The Sub-Committee is required by the 2003 Act to give its reasons for granting or rejecting both applications. 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:

- The Licensing Act 2003;
- The Secretary of State’s Guidance issued under Section 182 Licensing Act 2003; and
- Epping Forest District Council’s Statement of Licensing Policy.

Attached Documents:

- Application for transfer of the premises licence and consent;
- Application to vary a DPS and consent;
- A copy of the current Premises Licence (supplied by the authority);
- Map showing the area;