

# **Report to the Licensing Sub Committee**

**Date of meeting: 24<sup>th</sup> September 2013**

**Subject: Waltham Abbey Express, 1 Farm Hill Road,  
Waltham Abbey, Essex, EN9 1NE**



**Epping Forest  
District Council**

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**Responsible Officer: Kim Tuckey 01992 564034**

**Democratic Services: Rebecca Perrin 01992 564532**

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## **Decisions Required:**

**To determine the application for a Variation of Premises Licence under the Licensing Act 2003.**

## **Report:**

### **Application**

1. An application has been made by Erdul Hazar for a variation of premises licence for the above premises. The application was received on the 2<sup>nd</sup> August 2013 and is attached to this report. The application sets out the relevant licensing activities applied for and times requested.
2. The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

### **Licensing Act 2003**

3. 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.
4. It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

### **Consultation**

5. The Responsible Authorities have received a copy of the application, it was properly advertised at the premises and in a local newspaper.
6. All residences and businesses within 150 meters radius of the premises were individually consulted.
7. The authority has received representations from Cllr Helen Kane, Essex Police and six representations from local residents. All Responsible Authority's have been notified and we have received responses from Essex County Fire and Rescue Service, Essex County Council Trading Standards and Children's Safeguarding Service who have no objections.

Please note: Following the representation from Essex Police the applicant has

offered to reduce their application trading times from:

Opening Time – Monday to Sunday	07.00hrs – 03.30hrs
Sale of Alcohol - Monday to Sunday	09.00hrs to 03.00hrs

To:

Sale of Alcohol – Monday to Thursday	09.00hrs – 01.00hrs
Friday to Saturday	09.00hrs – 02.00hrs
Sunday	09.00hrs – 00.00hrs

However, Essex Police still wish to have their representation presented.

8. The Objection relates to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

### **Guidance Issued by the Secretary of State**

8. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
9. Sections 2.1 to 2.51 of the Guidance are relevant to this application

### **Options**

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**

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**

- Current Premises Licence Part A
- Application for Variation of Premises Licence and Newspaper advert.
- Public Notice
- Representations from:
  - Cllr Helen Kane
  - Essex Police
- Representations from local residents
- Response from Applicant regarding reduced hours
- Responses from:
  - Essex County Fire & Rescue Service
  - Essex County Council Trading Standards
  - Children's Safeguarding Service
- Map showing the area