

Report to the Licensing Sub-Committee

Date of meeting: 13 May 2014

Subject: Martins, 3 Brook Parade, Chigwell, Essex, IG7 6PE

Officer: Kim Tuckey, 01992 56 4034, Licensing Manager

Democratic Services: Adrian Hendry 01992 56 4246



**Epping Forest
District Council**

Decisions Required:

To determine the application for a Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by McColls Retail Group for a new premises licence for the above premises. The application was received on the 31st March 2014 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. The authority received a no representations letter from Essex Police, the Quality Assurance and Safeguarding Service (Essex County Council) and an acknowledgment letter from the Essex County Fire and Rescue Service
7. The authority has received nine representations in total; from Chigwell Parish Council, Mr Daniel Wynne, Carrol Nathanson, Mr L Berman, Mr Kamaran Ali, E Evangelou, Mr & Mrs Myers, Mr B Kunhya, Mr & Mrs Yeung.
8. In addition, two petitions were received. Both petitions were submitted by Mr Kamaran Ali, with 24 names on each.
9. The Objections relate to; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Guidance Issued by the Secretary of State

10. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
11. Sections 2.1 – 2.35 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

- Application for premises licence
- DPS Change
- Plan
- Newspaper notice
- Letter from Essex Police
- Letter from the Quality Assurance and Safeguarding Service (Essex County Council)
- Letter from the Essex County Fire and Rescue Service
- Representation from Chigwell Parish Council
- Representation from Mr Daniel Wynne
- Representation from Carrol Nathanson

- Representation from Mr L Berman
- Representation from Mr Kamaran Ali
- Representation from E Evangelou
- Representation from Mr & Mrs Myers
- Representation from Mr B Kunhya
- Representation from Mr & Mrs Yeung
- Petition 1
- Petition 2
- Map of the premises