

Report to the Licensing Sub-Committee

Date of meeting: 9 January 2018



**Epping Forest
District Council**

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

Responsible Officer: Sarah Moran (01992 564270)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To determine the application to vary a Premises Licence under the Licensing Act 2003.

Report:

Application

1. An application has been made by Erdal Hazar trading as Waltham Abbey Express to vary a Premises licence for the above premises. The authority, received the application on 8 November 2017. The application sets out the relevant licensing activities applied for and times requested:

Proposed Operating Schedule:

Convenience store seeking to extend licensable hours for the sale of alcohol:

Monday to Thursday 09:00 – 01:00 hrs

Friday to Saturday 09:00 – 02:00 hrs

Sunday 09:00 – 00:00 hrs

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 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.

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 Licensing authority have received one representation from the responsible authorities – Peter Jones – Essex Police
7. The Licensing unit have received 11 representations from interested parties.
8. The representations 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

9. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. Crime and Disorder 2.1 – 2.6, Public Safety 2.7 – 2.14 and Public Nuisance 2.15 – 2.21, and Protection of Children from Harm 2.22 – 2.31 of the Guidance are relevant to this application.

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.

11. 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

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

13. 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 to Vary a Premises licence.
- Newspaper notice.
- 1 Representation from responsible authority – Essex Police.
- 11 Representations from Interested Parties.
- Map showing the area.