

Report to the Licensing Sub-Committee

Date of meeting: 17 September 2019



**Epping Forest
District Council**

Subject: Application for Premises Licence - Harlow Garden Centre, Canes Lane, Hastingwood

Responsible Officer: D. Houghton (01992) 564336))

Democratic Services Officer: S. Tautz (01992) 564180))

Decisions Required:

To consider an application for a Premises Licence under the Licensing Act 2003, with regard to Harlow Garden Centre, Canes Lane, Hastingwood.

Application

1. An application has been made by Blue Diamond UK Ltd, for a new premises licence for Harlow Garden Centre, Canes Lane, Hastingwood. The application is for the following licensing activities:
 - (a) the sale by retail of alcohol on the premises only from Monday to Saturday from 08.30 to 18.00 and Sunday from 10.00 to 16.30;
 - (b) the opening times of the premises are from Monday to Saturday from 08.30 to 18.00 and Sunday from 10.00 to 16.30.
2. The application was received on the 8 August 2019 and is attached as an appendix to this report, together with a plan of the premises.
3. The Operating Schedule sets out 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 steps that are appropriate 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. The licensing authority 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 all been consulted with regard to the application, which was also advertised at the premises and in a local newspaper. A copy of the public notice and newspaper publication is also attached to this report.

7. All residences and businesses within a radius of 150 metres of the premises have been individually consulted on the application. The Council has received a representation from North Weald Bassett Parish Council with regard to the application, which is also attached to this report. The objection relates to the prevention of public nuisance and public safety
8. Essex Police have made no representations in respect of the application, as recommended conditions have been agreed between both parties. These are also attached to this report.

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 of the Act. Sections 2.15 to 2.21 of the Guidance are relevant to this application.

Options

10. In determining the 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:
 - (i) the conditions mentioned in the Operating Schedule modified as the Sub-committee considers necessary for the promotion of the licensing objectives, and
 - (ii) 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) to refuse to specify a person as the premises supervisor, or
 - (d) to reject the application.

Determination

11. 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

12. If any party is aggrieved with the decision of the Sub-Committee with regard to the application, they can appeal to the Magistrates Court. The appeal period is twenty-one days from the notification of the decision.

Background papers used in the preparation of 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 of the Licensing Act 2003; and
- Epping Forest District Council's statement of licensing policy
<http://www.eppingforestdc.gov.uk>

Attached documents

- application for premises licence;
- plan of the premises;
- newspaper publication and public notice;
- map of area;
- copy of representation from North Weald Bassett Parish Council; and
- copy of representation from Essex Police.