

Report to the Licensing Sub Committee

Date of meeting: 12 April 2016

Subject: Spirimix 12 Brook Way, Chigwell, IG7 6AA

Responsible Officer: Nuala Clark 01992 564340
Licensing Compliance Officer
Democratic Services: M Jenkins (01992 56 4607)



Epping Forest
District Council

Decisions Required:

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

Report:

Application

1. An application has been made by CPL Training on behalf of Charmaine Morgan for a new premises licence. Ms Morgan runs a business called Sprimix which sells alcohol to the public via the internet Monday to Sunday 09:00 to 17:00. She now wishes to store the alcohol in an outbuilding at her residence which therefore requires a premises licence. This facility is not for public access.
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 also 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 eleven representations one from the Parish Council and ten from local residents, and one comment from a local resident which is also attached. Responses have been received from The Police, they have made no objection on the proviso that conditions are added to the licence, please see attached letter. The Environment Team, the Essex Fire Service and Children's Safeguarding have responded with no objections.

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

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.

10 Sections 2.1 to 2.30 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.
- Plan of the premises to include the garden area
- Newspaper advert
- Map of the area
- Letters from the Police Essex , the Environment Team Fire & Rescue and Children's Safeguarding
- 1 letter of objection from the Parish Council
- 10 letters of objection from local residents
- 1 comment from local resident.