

# **Report to the Licensing Sub-Committee**

**Date of meeting: 23<sup>rd</sup> July 2018**

**Subject: Khyva, 40 Coolgardie Avenue, Chigwell, Essex, IG7 5AY**



**Epping Forest  
District Council**

**Responsible Officer:** Handan Ibrahim  
Licensing Compliance Officer

**Democratic Services:** Adrian Hendry, Democratic Services

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## **Decisions Required:**

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

## **Report:**

### **Application**

An application has been made by Khyva Limited for a new premises licence at 40 Coolgardie Avenue, Chigwell, Essex, IG7 5AY. The application is for an online Hamper Business from home ([WWW.KHYVA.COM](http://WWW.KHYVA.COM)) and the applicant would like to include alcohol in the hampers. This will be way of sales via the website only and will be run from a side extension of her home. There will be no consumption on the premises.

The application includes the following: Supply of Alcohol Monday to Sunday 09:00am-17:00pm, hours premises will be open to the public Monday to Sunday 09:00am-17:00pm.

1. The application was received on the 7<sup>th</sup> June 2018
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 one representation from a local resident, which has been

attached. Responses have been received from The Police and the Essex Fire Service who have no objections.

**8** The Objections relate to 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.

**10** Sections 2.15 to 2.21 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
- Newspaper advert
- Blue Notice
- Map of the area
- One letter of objections from a local resident