

Report to the Licensing Sub Committee

Date of meeting: 22nd September 2020

**Subject: Rosemary House (Off Licence) Dobbs Weir Road,
Hoddesdon, EN11 OAZ**



**Epping Forest
District Council**

Responsible Officer: Hannah Gould, Licensing Compliance Officer (01992 564034)

Democratic Services: V Messenger (01992 564265)

Decisions Required:

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

Report:

Application

An application has been made by Ulas Planning LTD on behalf of the applicant Kadir Kisa of Bridge Off License Ltd for a new premises licence at Rosemary House (Off Licence) Dobbs Weir Road, Hoddesdon, EN11 OAZ.

The application is for a new Premises Licence at this, use class A1 (shop) to be used as an off licence. They intend to sell mostly food and groceries (approx. 80%) and with one display to sell alcohol.

The application is to include the Sale of Alcohol for consumption off the premises from:

Monday to Saturday 06:00 hours to 20:00 hours
Sunday 08:00 hours to 18:00 hours

This is in line with the stores opening hours.

- 1** The application was received on the 30th July 2020.
- 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 —
the prevention of crime and disorder;
public safety;
the prevention of public nuisance; and
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.

- 6 It was advertised at the premises, however there was an error with the consultation end date which stated 13th October 2020 and another error on end date for the local newspaper advert which stated 6th October 2020.

All residences and businesses within 150 meters radius of the premises were individually consulted using the correct end of consultation date 27th August 2020, as was the council's website publication.

- 7 The authority has received two representations from local residents. The objections relate to all four of the licensing objectives.

Responses have been received from Essex Police, Trading Standards, Public Health and Environmental Health who have no objections.

The Councils Planning department have no objections subject to it remaining a use class A1 (shop).

Essex County Fire & Rescue Service also have no objections and have written directly to the applicant informing them of The Regulatory Reform (Fire Safety) Order 2005.

Guidance Issued by the Secretary of State

- 8 The Licensing Act 2003 provides that the licensing authority must 'have regard to guidance issued by the Secretary of State under section 182.

- 9 Sections 2.1 to 2.31 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 the premises licence
- Plan of the premises
- Blue Notice
- Newspaper advert
- Representation from objector Mr. & Mrs G Atkins
- Representation from objector Mark and Susan Pyatt
- Map of the area