

# **Report to the Licensing Sub Committee**

**Date of meeting: 20th October 2020**

**Subject: Lost Soul Spirits, 50 Rochford Avenue, Waltham Abbey, Essex, EN9 1SE.**



**Epping Forest  
District Council**

**Responsible Officer: Hannah Gould, Licensing Compliance Officer, (01992 562974)**

**Democratic Services: Adrian Hendry, (01992 564246)**

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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 Mr Neil Jonathan Patrick of Lost Soul Spirits for a new premises licence at 50 Rochford Avenue, Waltham Abbey, Essex, EN9 1SE.

The application is for a new Premises Licence at this residential premises to stock and sell the alcohol by internet/telephone sales, for consumption off the premises. The alcohol will be in sealed bottles for customer home delivery only. The residential premises will have no public access.

The Sale of Alcohol for consumption off the premises will be from Monday - Sunday 08:00 to 23:00.

- 1** The application was received on the 28<sup>th</sup> August 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. 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 member of the public.

Responses have also been received from Public Health, Environmental Health, Quality Assurance & Safeguarding Service and Essex County Fire & Rescue Service, who have no objections.

The Police have agreed conditions, regarding the protection of children from harm, with the applicant. Details are attached.

The objection received relates to the prevention of crime and disorder, public safety, prevention of public nuisance.

### **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
- Newspaper advert
- Blue Notice
- Representation from the objecting member of public
- Email from Essex Police with agreed conditions
- Map of the area