

## LICENSING APPLICATION - LICENSING ACT 2003

### 1 PURPOSE OF REPORT

- 1.1 This report introduces an application for the grant of a Premises Licence made under section 17 of the Licensing Act 2003.
- 1.2 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

### 2 INTRODUCTION

- 2.1 The application was submitted to the Licensing Authority by Paula Causer and refers to the premises to be known as Hops Off Licence, 68 Little Wakering Road, Little Wakering, Essex, SS3 0JH.
- 2.2 **Appendix A** consists of a copy of the original application form and the premises plan.

### 3 BACKGROUND

#### Description of the Premises

- 3.1 The premises to which the application relates comprises of a retail premises with the intention to operate as an off licence. The premises is located within a small parade of four other shops.
- 3.2 **Appendix B** is a map of the area

#### Application

- 3.3 The application is for the following licensable activities within the times and days shown below:-

Activity	Time/s and Days
Supply of Alcohol (off sales only)	Monday - Sunday 1100 hours to 2300 hours

- 3.4 The application is made in accordance with section 17 and schedule 8, part 1, paragraph 7 of the Licensing Act 2003 and The Licensing Act 2003 (Premises Licence and Club Premises Certificates) Regulations 2005.

#### Other Licensed Premises Within Close Proximity

- 3.5 The only licensed premises within close proximity of the applicant is listed in the table provided.

Name and Address of Premises	Licensed Hours
Castle Inn <sup>(RDC/05/00733/LAPRE)</sup> 181 Little Wakering Road Little Wakering Essex, SS3 0JW	Sale of Alcohol, Regulated Entertainment & Late Night Refreshment  Monday to Thursday 1000 hours to 2400 hours  Friday & Saturdays 10.00hrs to 0100 hours & Sundays 1200 hours to 2230 hours

#### 4 REPRESENTATIONS

##### Responsible Authorities

- 4.1 The Police have confirmed they have no representation against the application and have agreed conditions with the applicant.
- 4.2 **Appendix C** is a copy of the Essex Police confirmation email and **Appendix D** is a copy of the agreed Police conditions.
- 4.3 The application has been assessed by Environmental Health; they have made no representation against this application.

##### Other Persons

- 4.4 There have been fourteen (14) representations received from local residents.
- 4.5 Six (6) of the representations do not constitute a valid representation as these relate to issues outside the Licensing Act 2003.
- 4.6 Out of the eight (8) accepted valid representations concerns have been raised in relation to the following licensing objectives:-
- Prevention of Public Nuisance
  - Prevention of Crime and Disorder
- 4.7 **Appendix E** consists of a copy of the valid representations received.

##### Notices

- 4.8 All parties involved have been served with the relevant notices and documentation required by paragraphs 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005.
- 4.9 The notices and documentation included an explanation of the rights of persons to attend hearings and to be represented, to give evidence and to call witnesses, the consequences of not attending, the procedure to be followed at

a hearing, and, for applicants only, a copy of all relevant representations made.

- 4.10 Paragraphs 8 and 9 of the regulations require that parties notify the Licensing Authority, no later than 5 working days before the hearing, of those matters mentioned in paragraph 4.8 above. A pro-forma was included with the notices and documentation mentioned in paragraph 4.8 above

## **5 RESOURCE IMPLICATIONS**

- 5.1 Consideration of this application has been carried out within existing resources.

## **6 LEGAL IMPLICATIONS**

- 6.1 The provisions of Licensing Act 2003, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 Licensing Act 2003 and the Statement of Licensing Policy, approved by Full Council for the period 31 January 2021 – 31 January 2026 need to be considered by Members in determining the application.

## **7 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need:-
- To eliminate unlawful discrimination, harassment and victimisation
  - To advance equality of opportunity between people who share a protected characteristic and those who do not
  - To foster good relations between those who share a protected characteristic and those who do not
- 7.2 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## **8 RECOMMENDATION**

- 8.1 It is proposed that the Sub-Committee **RESOLVES**

That the application be determined, according to one of the following options:-

- (1) To grant the application, subject to such conditions as are consistent with the operating schedule, modified to such extent as Members consider necessary for the promotion of the licensing objectives, and any mandatory conditions that must be included; OR

- (2) To exclude from the scope of the licence any of the licensable activities to which the application relates; OR
- (3) To reject the application; OR
- (4) Subject to paragraphs 11 - 13 of the Licensing Act 2003 (Hearings) Regulations 2005, to adjourn the hearing to a specified date or arrange for a hearing to be held on specified additional dates, where Members consider this to be necessary for their consideration of any representations or notice made by a party.



Assistant Director People & Communities

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**Background Papers:-**

None.

For further information please contact Steven Greener, Principal Licensing Officer on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.