

REPORT TO: LICENSING SUB-COMMITTEE

DATE: 14 JUNE 2017

TITLE: PREMISES LICENCE APPLICATION: PYPERS HATCH FOOD AND WINE, 3 PYPERS HATCH, MADDOX ROAD, HARLOW, ESSEX. CM20 3NG

LEAD OFFICER: DAVID TAYLOR, PRINCIPAL ENVIRONMENTAL HEALTH OFFICER (01279) 446148

CONTRIBUTING OFFICER: DEBBIE WRIGHT, LICENSING ADMINISTRATOR (01279) 446005

RECOMMENDED that

Members of the Licensing Sub-Committee consider all the evidence presented and determine the case in accordance with the provisions of the Licensing Act 2003 s18.

BACKGROUND

1. Pypers Hatch comprises of a terrace of three shops, the Heart and Club Public House and community healthcare services. The application premises comprise of a single storey brick and masonry end of terrace building with vehicular access and courtyard to the rear. The terrace is served by a lay-by for four to five cars fronting the road and additional parking is available to the rear of the building. Long Ley sports ground is located to the west and rear of the premises.
2. The application premises are currently occupied by a hair dressing business. The other two shops comprise of a food outlet and pharmacy.
3. An application dated 20 April 2017 for a premises licence to be granted under the Licensing Act 2003 has been received from Huseyin Tum for the sale of alcohol between the hours of 7.00 and 21.00 Monday to Sunday. These times have been amended by the applicant following discussions with Essex Police. The revised application Licensing hours are 08.00 – 21.00 Monday to Saturday and, 10.00 – 21.00 on Sunday. The application may be seen at Appendix 1

ISSUES/PROPOSALS

4. The Council has received three representations from members of the public. The representations are available at Appendix 2. The representations are summarised below under the relevant licensing objective:

Prevention of Crime and Disorder

- There is already a lot of crime in the area.
- Drug sellers in the area selling stolen goods.
- Selling alcohol will encourage drug taking.
- Studies have shown a correlation between a higher density of alcohol selling premises and risk of violence.
- Youths will be attracted to the hatch creating a meeting place leading to an increase in anti-social behaviour.
- Police do not have resources to respond to confrontations
- Underage drinking causing problems.

Public Safety

- No seating available at the hatch.
- Persons that purchase alcohol at 8am do it through need.
- Sale of alcohol will encourage drug use.
- Insufficient parking.
- Double parking will increase danger.
- Underage drinking causing problems.

Prevention of Public Nuisance

- Local residents are afraid to use the local playing field because of drug users.
- Persons may purchase alcohol to be consumed in the public house.
- Young and underage persons hang around the convenience store trying to buy cigarettes (the location of the convenience store is not identified).

Protection of Children from Harm

- Children may attempt to purchase alcohol and cigarettes from the premises.
- The road alongside Pypers Hatch is a route used by schoolchildren.

Councillors will be aware that the application premises are not currently trading and there is no supporting evidence that the licence applicant has caused any of the alleged issues referred to in the representations.

5. Legal representatives acting for the licence applicant have issued a detailed response to matters raised by the three persons making representations. The written response is available at Appendix 3.

6. No representations have been received from any Responsible Authorities. Correspondence received from Essex Fire and Rescue Service, Essex Police and Essex Safeguarding Service are attached at Appendix 4.
7. Members of the Sub-Committee will wish to have regard to revised guidance issued April 2017 under S182 of the Licensing Act 2003. The Licensing Team referred the application to the Sub-Committee for determination in accordance with Section 9 of the guidance.
8. The applicant and persons making representations have been invited to attend this meeting with or without representations.
9. In determining the application, members of the Sub-Committee have the following options available:
 - a) To grant the licence subject to conditions consistent with the operating schedule;
 - b) To grant the licence subject to conditions consistent with the operating schedule modified to such an extent as the authority thinks fit;
 - c) To exclude from the licence any of the licensable activities to which the application relates (although this measure is available to the Sub-Committee, the practical application of this power would not be of assistance to the process because the application relates only to one Licensable Activity);
 - d) To refuse to specify a person in the licence as the premises supervisor;
 - e) To reject the application.
10. In the event that the application is not granted, there is a right of appeal to the Magistrates Court.
11. The appeal procedure satisfies the requirement of the Human Rights Act.

IMPLICATIONS

Place (includes Sustainability)

None specific.

Author: **Graeme Bloomer, Head of Place**

Finance (Includes ICT)

The property forms part of the Council's Investment Property Portfolio and generates income for the Council. The unit will become vacant and subject to the decision of the committee there is a risk that there could be a loss of rental income from the property concerned.

Author: **Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

The Sub-Committee should carefully balance the granting of a licence benefits that might arise from an increase in this provision against the potential of an increase in anti-social behaviour including street drinking in the locality and the potential of an increase in inappropriate parking leading to disputes in the locality.

Author: **Marysia Rudgley, Community Safety Team Manager on behalf of Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

Members of the Licensing Sub-Committee will be required to balance the promotion of the Licensing Objectives against the representations and evidence received in order to discharge their duty under the Licensing Act 2003.

Author: **Dimple Roopchand, Assistant Solicitor on behalf of Brian Keane, Head of Governance**