

Report to the Licensing Sub Committee

Date of meeting: 27th October 2014

**Subject: Café Bengal, 41 The Broadway Loughton Essex
IG10 3SP**

**Responsible Officer: Sarah Kits
Licensing Officer**



**Epping Forest
District Council**

Democratic Services:

Decisions Required:

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

Report:

Application

1. An application has been made by Arafat Sayeed trading as Castpan Ltd for a premises licence for the above premises. The application was received on the 15th August 2014 and is attached to this report. The application sets out the relevant licensing activities applied for and times requested:

The sale of alcohol and recorded music: Monday to Saturday 11:00hrs to 00:00hrs Sunday 12:00hrs to 23:30hrs.

Late night refreshment: Monday to Saturday 23:00hrs to 00:00hrs Sunday 12:00hrs to 23:00hrs

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 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 1 representation from a member of the public. The Police, Trading Standards, Essex Fire and Rescue and Children's Safeguarding and Essex Trading Standards who have no objections. Comments were received from Loughton Town Council and Mr David Linnell of Loughton residents association which are also attached to this report.
- 8 The Objections relate to the prevention of crime and disorder, public safety and the prevention of public nuisance.

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 2.1 to 2.40 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 including plan and advert.
- Letters from Police, Essex Fire & Rescue and Children's Safeguarding, Trading Standards01
- Comments from Loughton Town Council and Mr David Linnell of Loughton Residents Association.
- 1 letter of representation from a member of the public
- Map showing the area