## Supplementary Committee Agenda



## Licensing Sub-Committee Thursday, 12th April, 2012

Place: Council Chamber, Civic Offices, High Street, Epping

**Time:** 10.00 am

**Democratic Services:** M Jenkins (Direct Line 01992 564607)

Email: democraticservices@eppingforestdc.gov.uk

5. VARIATION OF LICENCE - BROADWAY EXPRESS, 74 THE BROADWAY, LOUGHTON (Pages 3 - 26)

(Director of Corporate Support Services) To consider the attached report.



## Agenda Item 5

## **Epping Forest District Council**

## Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

# Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

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described in Pa	rt 1 below			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	- P	
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E-mail address (optional)					_	
Current postal address if						
different from premises address						
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## Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?					
If not do you want the variation to take effect from					
If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend					
Please describe briefly the nature of the proposed variation (Please see guidance note 1)					
Extend time of opening hours and closing hours					
and closing hours					

## Part 4 Operating Schedule

Provision of re	gulated entertainment	Please tick ✓	yes
a)	plays (if ticking yes, fill in box A)		
b)	films (if ticking yes, fill in box B)		
c)	indoor sporting events (if ticking yes, fill in box C)		
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)		П
e)	live music (if ticking yes, fill in box E)		
f)	recorded music (if ticking yes, fill in box F)		
g)	performances of dance (if ticking yes, fill in box G)		
h)	anything of a similar description to that falling within (e), (f) or	(g)	
	(if ticking yes, fill in box H)		
Provision of en	tertainment facilities for:		
i)	making music (if ticking yes, fill in box I)		
j)	dancing (if ticking yes, fill in box J)		
k)	entertainment of a similar description to that falling within (i) o	or (j)	
	(if ticking yes, fill in box K)		
Provision of late	e night refreshment (if ticking yes, fill in box L)		
Sale by retail of	alcohol (if ticking yes, fill in box M)		
In all cases com	plete boxes N, O and P		

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Wed			State any seasonal variations for performing play guidance note 4)	<u>rs (</u> please read
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Fri			Non standard timings. Where you intend to use to the performance of plays at different times to the column on the left, please list (please read guidance)	ose listed in the
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**Provision of** Will the facilities for dancing be indoors or Indoors facilities for outdoors or both - please tick [Y] (see guidance Outdoors note 2) dancing Standard days and Both timings (please read guidance note 6) Day Start Finish Please give a description of the facilities for dancing you will be providing Mon Please give further details here (please read guidance note 3) Tue Wed State any seasonal variations for providing dancing facilities (please read guidance note 4) Thur Fri Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) Sat Sun K Provision of Please give a description of the type of entertainment facility you will be providing facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6) Day Start Will the entertainment facility be indoors or Finish Indoor outdoors or both - please tick [Y] (please read Outdoor guidance note 2) Mon Both

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Sun	column on the left, please list (please read guidance note 5)

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Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors Outdoors
Day	Start	Finish		Both
Mon			Please give further details here (please read guid	ance note 3)
Tue				
Wed			State any seasonal variations for the provision of refreshment (please read guidance note 4)	of late night
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Supply of alcohol			Will the sale of alcohol be for consumption (Please tick box Y)	On the premises	~
Standard days and timings (please read guidance note 6)			(please read guidance note 7)	Off the premises	
Day	Start	Finish	Both		
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Tue	06.00	24.00			
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Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06 am	12 pm	
Tue	06,00	12 pm	

Wed	06.00	12pm	Non standard timings open to the public at o column on the left, plo	lifferent times fr	om tho	se listed in the
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Please remove	identify t ed as a co	hose conditi nsequence c	ions currently imposed o of the proposed variation	n the licence whi you are seeking	ch you t	pelieve could be
have en	closed the	e premises li	icence	Please tic	k <b>y</b> es	
have en	closed the	e relevant pa	art of the premises licend	re [		If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below
Reasons	why I ha	ve failed to	enclose the premises lice	ence or relevant p	eart of p	remises licence

c) Public safety	P
a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)  b) The prevention of crime and disorder  c) Public safety  The prevention of public nuisance	Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.
c) Public safety  The prevention of public nuisance	a) General — all four licensing objectives (b,c,d,e) (please read guidance note 9)
c) Public safety  The prevention of public nuisance	
c) Public safety  The prevention of public nuisance	
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The protection of children from harm	The prevention of public nuisance
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The protection of children from harm	
	The protection of children from harm

I have made or enclosed payment of the fee
 I have sent copies of this application and the plan to responsible authorities and others where applicable
 I understand that I must now advertise my application
 I have enclosed the premises licence or relevant part of it or explanation
 I understand that if I do not comply with the above requirements my application will be rejected

## IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - Signatures (please read guidance note 10)

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authorised in what ca <sub>l</sub>	applicant (the current premises licence holder) or applicant's solicitor or other duly
Signature	그 한 백주역 회사는 가장 하는 것이 되었다.
*******	
DateQo.	10 _ 1 1 4
Capacity D.	RECTOR
holder) or 2 <sup>n</sup>	remises licence is jointly held signature of 2 <sup>nd</sup> applicant (the current premises licence dapplicant's solicitor or other authorised agent (please read guidance note 12). If the half of the applicant please state in what capacity.
Signature	
Date	
Capacity	
Contact nan this applicat	ne (where not previously given) and address for correspondence associated with tion (please read guidance note 13)
Post town	Post code
Telephone n	umber (if any)
lf you would	prefer us to correspond with you by e-mail your e-mail address (optional)

#### Notes for Guidance

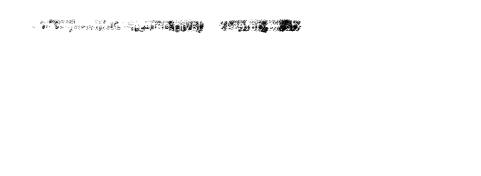
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

#### **Notes for Guidance**

- Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
- Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
- 3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

## Notice of Application for Variation Premises Licence under the Licensing Act 2003

Notice is given this date 14th February that Gunos of 74 The Broadway Longitton. Essex, 1610 3ST has applied to the Licensing office of Epping Forest Council for a Premisez Licenes in respect of Broadway Express 74 The Broadway Loughton. Essex 1610 3ST. The proposed licence is for sale of alcohol on the premises. Monday-Thursday: 6sm-12 midnight Friday - Saturday: 6fam-01.00am Sunday: 6sm-12 midnight Friday - Esping Forest District Council, Civil Office, High Street, Epping Essex (MIG 4126. Applications for premises licences may be inspected at this office during office hours. Anyone wishing to oppose this application must given written notice to the Licensing Office within 28 days of this notice. It is an offence knowingly or recklessly to make a false statement in connection with an application which could lead to a fine on summary conviction (maximum £5000)



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## ESSEX POLICE

Licensing Department, Harlow Police Station South Gate, Harlow, CM20 1HG Telephone 01279 625 405 Facsimile: 01279 625 476

Website: www.essex.police.uk Email: Peter.Jones@essex.pnn.police.uk

Mrs Kim Tuckey
Licensing Department
Epping Forest District Council
Civic Offices
High Street
Epping
CM16 4BZ

28 February 2012

Dear Kim.

**LICENSING ACT 2003 - PREMISE LICENCE VARIATION 5.34** 

PREMISE: Broadway Express, 74 Broadway, Loughton IG10 3ST

**APPLICANT: Guner Islek** 

Further to the Variation received on 15 February 2012, I write to inform you that Essex Police will be making representations under Crime and Disorder to this variation for the following reasons:

There are currently no off licensed premises in the vicinity with licences later than midnight. Essex Police feel there is the potential for increased Crime and Disorder, and Antisocial Behaviour. By granting the hours applied for would mean being open as late as; or later than public houses and supermarkets in the vicinity.

Furthermore the attempt to purchase alcohol by or on on behalf of underage will be increased due to no other establishment being open.

Please advise me of when the Licensing Panel will be meeting to hear this so I can be in attendance.

Yours sincerely,

Mr Peter Jones ABII Divisional Licensing Officer – Epping Forest District Western Division

From:

F Westcott -

Sent:

06 March 2012 14:29

To:

Licensing

Subject:

Licensing Application Broadway Express 74 The Broadway - Objection to proposal

Follow Up Flag: Flag Status:

Follow up

Flagged

Mr C. F. Westcott The Broadway Loughton Essex

Licensing Office Corporate Support Services EFDC CM16 4BZ Dear Sir / Madam,

06<sup>th</sup> March 2012

r.e: Licensing application, Broadway Express, 74 The Broadway, Debden.

I understand that the tenant has applied for a licence to sell alcohol:

- Mondays Thursdays & Sundays, 6am midnight
- Fridays & Saturdays 6am-1am.

I wish to formerly object to the above application as I believe that extending the licensing hours as proposed would :

- i) Increase crime and disorder in the immediate vicinity and The Broadway due to the nature / hours of operation of the business. I am particularly concerned about the possibility of customers consuming excess alcohol in public and the effects thereof.
- ii) create a public nuisance, mainly in the form of noise from customers using the service between midnight and 1am. Residential flats are located above the shops and houses are located opposite.
- iii) Threaten public safety there is the possibility that customers may consume alcohol that they have purchased in public. This is already a problem in The Broadway / bus stops/ residential areas especially at night and could be aggravated by the proposal.

Yours faithfully,

**Charles Westcott** 

## **Loughton Residents Association**



'Eleven Acre Rise, Loughton, Essex IG10 1AN 09/03/2012

Licensing Office, Corporate Support Services, Epping Forest District Council, Civic Offices, High Street, Epping, CM16 4BZ

**Dear Sirs** 

## Broadway Express 74 The Broadway - licensing application

We have been asked by a local resident\* to make representations on their application to extend opening hours for selling alcohol to

- Mondays Thursdays & Sundays, 6am midnight
- Fridays & Saturdays 6am 1am

The LRA Plans Group believes that early-morning and late-night alcohol sales are not appropriate for The Broadway because there are flats over the shops, and there would inevitably be noise created this is particularly important between midnight and 1am. We ask for alcohol sales not to begin before 9am, and for the shop to close completely at midnight each night.

The grounds for the objection are that it would:

- i) Increase crime and disorder in the immediate vicinity and The Broadway due to the nature / hours of operation of the business, and the possibility of customers consuming excess alcohol in public and the effects thereof.
- ii) create a public nuisance, mainly in the form of noise from customers using the service between midnight and 1am. Residential flats are located above the shops and houses are located opposite.
- iii) Threaten public safety there is the possibility that customers may consume alcohol that they have purchased in public. This is already a problem in The Broadway / bus stops/ residential areas, especially at night, and could be aggravated by the proposal.

Yours sincerely

David Linnell, for LRA Plans Group.

\*request from Mr C. F. Westcott The Broadway, Loughton, Essex IG10 3SP. A copy of Mr Westcott's email is being forwarded to you.

From:

Theo Westgate

Sent:

09 March 2012 23:23

To:

contact@loughtonresidents.co.uk

Cc:

Licensing

Subject:

Licensing application: 74 The Broadway

Follow Up Flag:

Follow up

Flag Status:

Flagged

Loughton Residents' Association,

I have received another note from yourselves through my door about a licensing application on my street.

I have a number of comments on this.

Firstly, the notion of being asked to ask for a representation to be made 'on my behalf' seems slightly odd. The 'legislation' your letter references is there for a reason. I have no wish to facilitate the circumventing of it by providing you with a pretext for commenting on this application. I am certainly not going to replicate the precise details of your intended objection (shop to close at midnight and not sell alcohol before 9AM) that will be made 'subject to residents' comments.'

Secondly, I don't see how any of the four 'licensing objectives' are relevant here. Your letter has not explained how they might be. The sale of alcohol is not, in my view, inherently disruptive.

Thirdly, I consider it a common courtesy to be sent a letter that has been grammar checked. '...and there would inevitably be noise created this is particularly important between midnight and lam...' doesn't mean anything. I also think that a 75 word long paragraph should, generally, consist of more than one sentence.

Fourthly, this is the second time I've had unsolicited mail from you in the past few weeks. I do not wish to receive another letter trying to galvanise the anti-licensing tendencies you seem to have assumed that I, as a homeowner must have when threatened with the prospect of being able to buy alcohol late at night. If your previous letter failed to instigate the furore you had hoped for, then that's your problem. Please don't waste paper and make it mine too.

If you really care what I think, then please support this application on my behalf. I would quite like to be able to buy alcohol at 6AM. I also think that, during a recession, any help that small businesses can be given, should be given.

Fifthly, Who are you? The local politicians say who they are affiliated with on their promotional material. That way I know whose viewpoint I am tearing up and putting in my recycling bin.

E.F.D.C.,

I support this application whole-heartedly.

8 3 Bac.

Mr Westgate

The Broadway

From:

Kim Tuckey

Sent:

12 March 2012 10:31

To:

Nicki Glasscock

Subject:

FW: 74 The Broadway

Follow Up Flag: Flag Status:

Follow up Flagged

From: Jennie Hart [mailto] Sent: 12 March 2012 10:10

To: Kim Tuckey

Subject: 74 The Broadway

Dear Mrs Tuckey,

I strongly object to the extended opening hours applied for by the Off- license, 74 The Broadway under the following headings:

#### Prevention of Crime and Disorder:

late night drinking can lead to disorderly and unacceptable behaviour

## Prevention of Public Nuisance:

this business is in a residential area and the residents should not be subject to any noise and disturbance on a regular basis, after 11pm.

All businesses need to make a reasonable living, but not at the expense of the peace and security of a neighbourhood.

### Kind Regards

Cllr. Jennie Hart (Broadway Ward Councillor)

From:

Gloria Keen <

Sent:

14 March 2012 12:02

To:

Licensing

Subject:

Conversation with Gloria Keen

Follow Up Flag:

Follow up

Flag Status:

Flagged

re licensing application for broadway express 74 the broadway.

futher to your recent letter dated 03.03.12 i would like to express my concerns re the licensing application for the above shop. i feel that this will bring unnecessary behaviour to the broadway creating public nuisance from the children that already create a nuisance up the broadway. also i feel that public safety would be put at risk by way of intimidation which we already experience to a high level ,we are constantly witnessing drunken children and aldults which then results in physical fighting and violence which results in police being called to deal with this. I feel that these new leicensing hours would have a detremental effect on our community, as we already experience children waiting outside pestering you to buy cigarettes or alcohol for them which intimidates you and make you feel uncomfortable because when you refuse you get verbally abused.

I WOULD THEREFORE LIKE YOU TO RECONSIDER THIS APPLICATION AND RULE AGAINST THESE EXTENDED LICENSING HOURS .

MANY THANKS

GLORIA KEEN

THE BROADWAY LOUGHTON ESSEX IG10 3SY

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