

Report to the Licensing Sub Committee



**Epping Forest
District Council**

Date of meeting: 13th May 2021

Subject: J26 Diner, Skillet Hill Farm, Honey Lane, Waltham Abbey, Essex, EN9 3QU

Responsible Officer: Hannah Gould, Licensing Compliance Officer

Democratic Services: R Perrin (01992 56 4532)

Decisions Required:

To determine the application for the variation of their Premises Licence under the Licensing Act 2003

Report:

Application

An application has been made by Nick Thompson of Connaught Hill, Loughton, Essex, IG10 4DU for a variation to the premises licence at J26 Diner, Skillet Hill Farm, Honey Lane, Waltham Abbey, Essex, EN9 3QU.

The proposed variation looks to:

- Remove a condition imposed on the current premises licence under Annex 2, which restricts the number of customers to 40 at any one time.
- Increase the limit of people to 150 to sit both inside and out.

- 1 The application was received on the 18th March 2021.
- 2 The Operating Schedule sets out conditions which are already and 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.
- 6 It was advertised at the premises and in the local newspaper.
- 7 The authority has received one objection from Essex Police which relates the Prevention of Crime and Disorder and the Public Safety objectives.

An objection was received from Waltham Abbey Town Council which relates to the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance objectives.

Essex County Fire & Rescue Service did make recommendations concerning the occupancy numbers inside the premises and that the premises should be restricted to a maximum of 60 persons at any one time (including staff and customers).

Details of all are attached.

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 premise's 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 variation of the premises licence
- Plan of the premises
- Blue Notice
- Newspaper advert
- Objection from Essex Police
- Objection from Waltham Abbey Town Council
- Response from Essex County Fire & Rescue Service
- Photos from officers site visit on 26/03/21
- Map of the area