

Report to the Licensing Sub-Committee

Date of meeting: 15th June 2021

Subject: Application for a New Premises Licence in respect of Pizza Hut Delivery, 21 The Broadway, Loughton, Essex, IG10 3SP



**Epping Forest
District Council**

**Responsible Officer: Handan Ibrahim
Licensing Compliance Officer**

Democratic Services:

Decisions Required:

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

Report:

Application

1. An application has been made by MSAJ Pizza Ltd for a new premises licence at 21 The Broadway, Loughton, IG10 3SP, the application is for a pizza delivery and take-away restaurant. The application was received on the 16th April 2021.

The applicant is applying for the following licensable activities:

Provision of Late Night Refreshment

Monday to Sunday 23:00 to 01:00

Hours Premises will be open to the public

Monday to Sunday 11:00 to 01:00

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 also advertised at the premises and in a local newspaper.

6 All residences and businesses within 150 metre radius of the premises were individually consulted.

7 The authority has received a representation from Loughton Town Council, Loughton Residents Association Plans Group and 3 representations from local residents, which are attached. Mr Ronan Mc Manus of Essex Police Licensing has agreed conditions with the applicant and these are also attached. The agreed conditions are for midnight closure Sunday to Thursday (both instore & deliveries) and shop doors closing at midnight, with home deliveries only until 01:00hrs (No customers in store 00:00-0100, telephone & online orders only) Friday and Saturday.

8 The Objections relate to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

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 2.31 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 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
- Plan of the premises
- Newspaper advert
- Blue Notice
- Map of the area
- Letter of objection from Loughton Town Council
- Letter of objection from Loughton Residents Association Plans Group
- 3 emails of objections from local residents.
- email from Mr Ronan McManus, Essex Police Licensing with agreed conditions