

Report to the Licensing Sub-Committee

Date of meeting: 6 July 2021

Subject: Licensing Act 2003 - Application for a Premises Licence for Gourmet Sheesh, 155 Manor Road, Chigwell, Essex IG7 5QA



Responsible Officer: Peter Jones, Licensing Officer 01992 564721

Democratic Services Officer: R Perrin

Decisions Required:

To consider an application for a Premises Licence under the Licensing Act 2003

Report:

Application

An application has been made by Meltem Tunc for a new premises licence at Gourmet Sheesh, 155 Manor Road, Chigwell, Essex IG7 5QA.

1. The application is for the licensable activities of Recorded Music (Indoors) and Sale of Alcohol for consumption on and off the premises, Monday to Sunday 11:00 – 23:00
2. The application was received on 4 May 2021.

The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

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 all received a copy of the application, it was also advertised at the premises and in a local newspaper. A copy of the Blue Notice and Newspaper advert is attached to this report.

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

7. The applicant initially sought to also have Recorded Music both indoors and outdoors, and for licensable activities to terminate at midnight; however following comments received by residents and negotiations with Community Resilience the applicant amended the application to the hours and activities at point 1.

8. It is also relevant to mention that Recorded Music is not a licensable activity between the hours of 08:00 – 23:00 where an alcohol licence is granted.

9. The authority has received two (2) representations in total copies of these are attached.

10. There were also responses from Essex County Fire and Rescue Service, Environmental Health, and Essex Police; all of whom have no comments to make.

Community Resilience have also responded with conditions that have been agreed with the

applicant.

Copies of these are attached to the report.

11. The objections relate to all four of the licensing objectives.

Guidance Issued by the Secretary of State

12. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.

13. Sections 2.15 to 2.21 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 a Premises Licence.
- Plan of the premises.
- Newspaper advert and Public Notice.
- Amended Application with the change to activities and hours.
- Copies of the representations and responses.