

Report to the Licensing Sub-Committee



Date of meeting: 2nd November 2021

Subject: Licensing Act 2003- Application for a Variation of an existing Premises Licence for Playhouse and Playroom, 195-199 Cottis Lane, Epping, Essex CM16 4BL

**Epping Forest
District Council**

Responsible Officer: Debbie Houghton, Licensing Officer - 01992 564336

Democratic Services Officer: J Leither – 01992 564243

Decisions Required:

- (1) To consider an application for a Variation of an existing Premises Licence under the Licensing Act 2003**

Report:

Application

An application has been made by CK Entertainments Ltd, Playhouse and Playroom, 195-199 Cottis Lane, Epping, Essex, CM16 4BL for a variation of the existing premises licence at 195-199 Cottis Lane, Epping, Essex, CM16 4BL.

The application is for the following licensing activities,

The Provision of Live Music

Sunday to Thursday 11.00 – 00.00, Friday to Saturday 11.00 – 02.00

The Provision of Recorded Music

Sunday to Thursday 11.00 – 00.00 Friday to Saturday 11.00 – 02.00

The Performance of Dance

Sunday to Thursday 11.00 – 00.00 Friday to Saturday 11.00 – 02.00

Anything of a similar description to that of above

Sunday to Thursday 11.00 – 00.00 Friday to Saturday 11.00 – 02.00

Late Night Refreshment

Sunday to Thursday 23.00 – 00.00, Friday to Saturday 23.00 – 02.00

The Sale by Retail of Alcohol

Monday to Thursday 11.00 – 00.00 Friday to Saturday 11.00 – 02.00

On and Off the premises

Opening Hours of the Premises

Sunday to Thursday 10.30 – 00.30 Friday to Saturday 10.30 – 02.30

- 2** The application was received on the 9th September 2021, a copy is attached.

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 are attached to this report.
- 6 All residences and businesses within 150 meters radius of the premises were individually consulted.
- 7 The authority has received 6 representations of objections, 1 from Essex Police, 1 from Epping Town Council, 1 from a local ward Councilor who is also a resident, and 2 from local residents. Please see emails and copies of letters attached to this report.
- 8 The Objections relate to the Prevention of Crime and disorder, Prevention of Public Nuisance, and Public Safety and The Protection of Children from Harm.
 - Previously at this premise, on the 4th January 2019 in accordance with Section 53b of the Licensing Act 2003 the Licensing Authority after reading a Summary Review submitted by Essex Police, the authority made a decision to take interim steps to suspend the previous premises licence with immediate effect until a review hearing as it was deemed there was a danger of further serious crime and serious disorder. A copy of the decision letter is attached to this report.
 - A licensing Sub Committee hearing met on the 29th January 2019 to determine the Summary Review.
 - The decision of the Licensing Sub Committee was to revoke the premises Licence of Club 195.
 - The decision letter from the hearing on the 29th January 2019 is attached with this report.
 - An Appeal against this decision was submitted to the Magistrates Court.
 - A new application for a premises licence was submitted to the licensing authority in June 2019, because of representations received the application was determined at a licensing sub committee hearing in July 2019 and subsequently granted. The decision letter from this hearing is attached to this report.
 - The Appeal against the decision made in January 2019 was subsequently withdrawn.

- A Minor Variation to change the layout and design of the premises and to reword a condition was submitted and agreed in December 2019.
- A new application for a further premises licence was submitted in July 2020 which included extending the hours on a Friday and Saturday evening to 03.00am, this application was refused by the Licensing Sub Committee on the 1st September 2020, a copy of the decision notice is attached
- A Minor Variation to change the original plans layout of previous Minor Variation and to change the name of the premises from Playhouse and Essex Roof Garden to Playhouse and Playroom were submitted and agreed in January 2021. A copy of the current licence is attached
- There have also been Temporary Event Notifications (TENS) for the following dates so far this year these are listed below:
 - 25th July 2021 (1 day)
 - 1st August 2021 (1 day)
 - 8th August 2021 (1 day)
 - 15th August 2021 (1 day)
 - 22nd August 2021 (1 day)
 - 27th -30th August 2021 (4 days)
 - 19th September 2021 (1 day)
 - 26th September 2021 (1 day)
 - 3rd October 2021 (1 day)
 - 10th October 2021 (1 day)
 - 17th October 2021 (1 day)
 - 24th October 2021 (1 Day)
 - 29-30th October 2021 (3 days)

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 2.15 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 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, plans (submitted in bundle from applicant) and Operating Schedule for a Premises Licence.
- Blue Notice and Newspaper Advert
- Copies of representations of objections
- Copy of current Premises Licence
- Copy of decision letter of Interim Steps taken on 4th January 2019
- Copy of decision letter for the Summary Review from Licensing Sub Committee of 29th January 2019
- Copy of decision letter from Licensing Sub Committee hearing July 2019
- Copy of decision letter from 1st September 2020