

Report to the Licensing Sub-Committee

Date of meeting: Tuesday 19th April 2022



**Epping Forest
District Council**

Subject: Review of Premises Licence – The Gardeners Arms, 103 York Hill, Loughton, IG10 1RX

Responsible Officer: David King – Licensing Manager

Democratic Services Officer: Adrian Hendry

Decision Required:

To determine an application for a Review of the Premises Licence and to consider relevant representations as a result of the review application.

Report:

1. An application for a Review of a Premises Licence was received from The Community Resilience Team at Epping Forest District Council on 25th February 2022 in respect of a Premises Licence issued to The Gardeners Arms, 103 York Hill, Loughton, IG10 1RX. The application is seeking to add the following conditions to the Premises Licence:

- No music to be played outside
- Outside areas to be cleared of customers by 21:00
- After 21:00 people only to be outside for smoking. A maximum of 6 people outside smoking at any one time
- A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to the neighbours
- The dispersal policy must be agreed in writing with the Community Resilience Team and subject to regular review (minimum 6 monthly intervals)
- Members of staff are to ask customers sat on the terraced area who are excessively loud (shouting, yelling or screaming) to be mindful of neighbouring residential properties
- Signage to be displayed at exits to the premises and external areas asking customers to be considerate of residents and to keep nuisance to a minimum

The review application also sought to remove Ms Tracy Roberts as the Designated Premises Supervisor. However, the Licensing Sub-Committee are advised that subsequent to the application for review being submitted, the Licensing Authority received an application to vary the Designated Premises Supervisor. This application has been granted and the Designated Premises Supervisor is now Ms Laura Walker.

The Sub-Committee may also wish to note that the licensing agent, instructed on behalf of the licence holder, has confirmed his client's willingness to formally accept all of the conditions proposed in the review application.

2. A copy of the application for a review was served on the holder of the Premises Licence and all responsible authorities.
3. The application was advertised as required under the Licensing Act 2003, thereby inviting representations to be made by responsible authorities and interested parties. Any representations were received by the Licensing Authority by Thursday 24th March 2022.
4. A copy of the application for review, supporting documents and location map showing the premises and surrounding area is attached to this report.

Current Premises Licence

5. A copy of the current Premises Licence which includes conditions is attached with this report.

Grounds for Review

6. The application to review relates to the prevention of public nuisance licensing objective. The grounds for review are set out in the attached application and supporting documents.

Relevant Representations

7. The Licensing Authority has received representations from Councillor Chris Pond, Loughton Town Council and Loughton Residents Association Plans Group. It has also received a representation from Gosschalks, solicitors acting on behalf of Ei Group Ltd, who have a Notification of Interest in relation to these premises and who is also the freehold owner of the premises.
8. The Licensing Authority has also received 15 representations from residents in support of the application to review and 23 representations from residents in support of the premises.
9. An on-line petition in support of the premises has been organised by the Designated Premises Supervisor, Ms Laura Walker, and a link is included in an email attached dated 24th March 2022.
10. The Premises Licence Holder, the applicant for the review and all interested parties have been invited to attend this hearing and will be given the opportunity to address Members.

Legal Considerations

10. Members are asked to make their decision based on consideration of the representations received with a view to promoting the four licensing objectives which are:
 - Prevention of crime and disorder.
 - Public safety.
 - Prevention of public nuisance.

- Protection of children from harm.

Options

11. In the case of a review of a Premises Licence the Licensing Sub-Committee has the following options:
 - (a) To modify the Conditions of the Premises Licence and/or attach new conditions;
 - (b) To exclude from the Licence a licensable activity;
 - (c) To remove the Designated Premises Supervisor;
 - (d) To suspend the Licence for a period not exceeding 3 months;
 - (e) To revoke the Licence;
 - (f) To leave the Licence in its existing state.

Background Papers:

- Application for Review and attachments
- Map of local Area
- Blue Notice
- Premises Licence
- Relevant Representations received in support of the application to review
- Relevant representations received in support of the premises
- Email from Ms Laura Walker with a link to an on-line petition in support of the premises
- Response received from Essex County Fire and Rescue Services