

Report to the Licensing Sub-Committee

Date of meeting: 16th May 2022

Subject: Licensing Act 2003 – Application for a Premises Licence for Yung & Kush, 84A Queens Road, Buckhurst Hill, IG9 5BS



**Epping Forest
District Council**

Responsible Officer: Peter Jones, Licensing Officer 01992 564721

Democratic Services Officer: Adrian Hendry, 01992 564246

Decisions Required:

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

Report:

Application

An application has been made by The Licensing Guys on behalf of Ritesh Parekh for a new premises licence at 84A Queens Road, Buckhurst Hill, Essex, IG9 5BS.

1. The application is for the Sale of Alcohol for consumption off the premises, Monday to Sunday 09:00 – 23:00
2. The application was received on 7th 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 authority has received two (2) representations, both from residents in the area.
8. At the end of the consultation period, attempts to mediate between the residents and the applicant were made; with the applicant offering a reduction in terminal hour to 22:00; but this did not appease the residents and so the application remains seeking 23:00.

9. There were also responses from Environmental Health, Community Resilience, Essex County Fire and Rescue Service, and Essex County Council Safeguarding; all of whom have no comments to make.

Essex Police have also responded with conditions that have been agreed with the applicant.

Copies of all of these letters and emails attached to the report.

10. The objections relate the licensing objective of Public Nuisance.

Guidance Issued by the Secretary of State

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

- Crime data supplied by applicant in response to the representations.