

Report to the Licensing Sub-Committee



**Epping Forest
District Council**

Date of meeting: 6th September 2022

Subject: Tom Dick & Harry's 153 High Road, Loughton, IG10 4LF
Responsible Officer: Mrs Handan Ibrahim, Licensing Compliance
Officer (01992 546153)

Democratic Services: V Messenger (01992 5464243)

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 TD&H Restaurants LTD for a new premises licence at 153 High Road, Loughton, IG10 4LF. The application is for a new premises licence for the above restaurant, the applicant is applying for the following licensable activities:
 - **Provision of Live Music (indoors and outdoors)**
 - Sunday to Wednesday 10:00 to 23:00
 - Thursday to Saturday 10:00 to 00:30
 - **Non-standard timings:**
 - Christmas Eve, Christmas Day, Boxing Day, New Year's Day 10:00 to 00:30
 - New Year's Eve 10:00 to 01:00
 - Days preceding a bank holiday 10:00 to 00:30
 - Any Wednesday in December from 10:00 to 00:30
 - Live music outside will be from 10:00 to 22:00 Sunday to Wednesday and 10:00 to 23:00 Thursday to Saturday
 - **Provision of Recorded Music (indoors and outdoors)**
 - Monday to Wednesday 10:00 to 00:00
 - Thursday to Saturday 10:00 to 00:30
 - Sunday 10:00 to 23:00
 - **Non-standard timings:**
 - Christmas Eve, Christmas Day, Boxing Day, New Year's Day 10:00 to 00:30
 - New Year's Eve 10:00 to 01:00
 - Any Wednesday in December 10:00 to 00:30
 - Days preceding a bank holiday 10:00 to 00:30
 - Recorded music outside will be from 10:00 to 22:00 Sunday to Wednesday and 10:00 to 23:00 Thursday to Saturday
 - **Provision of Late Night Refreshment (indoors and outdoors)**
 - Monday to Wednesday 23:00 to 00:00
 - Thursday to Saturday 23:00 to 00:30
 - **Non-standard timings:**
 - Any day preceding a bank holiday, Christmas Eve, Christmas Day, Boxing day, New Year's Day 23:00 to 00:30
 - New Year's Eve 23:00 to 01:00
 - Any Wednesday in December 23:00 to 00:30

- **Sale of Alcohol (on and off sales)**
 - Monday to Wednesday 10:00 to 00:00
 - Thursday to Saturday 10:00 to 00:30
 - Sunday 10:00 to 23:00

 - **Non-standard timings:**
 - Christmas Eve, Christmas Day, Boxing Day, New Year's Day 10:00 to 00:30
 - New Year's Eve: 10:00 to 01:00
 - Days preceding a bank holiday 10:00 to 00:30
 - Any Wednesday in December 10:00 to 00:30

 - **Hours Premises are open to the public**
 - Monday to Wednesday 08:00 to 00:30
 - Thursday to Saturday 08:00 to 01:00
 - Sunday 08:00 to 23:30

 - **Non-standard timings:**
 - Christmas Eve, Christmas Day, Boxing Day, New Year's Day and the day preceding a bank holiday 08:00 to 01:00
 - New Year's Eve 08:00 to 01:30
 - Any Wednesday in December 08:00 to 01:00
2. The application was received on the 8th July 2022.
 3. The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

Licensing Act 2003

4. 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.
5. It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

Consultation

6. The Responsible Authorities have received a copy of the application, it was also advertised at the premises and in a local newspaper.
7. All residences and businesses within 150 meters radius of the premises were individually consulted.
8. The authority has received eighteen representations from residents, Loughton Residents Association Plans Group and Loughton Town Council, which are also attached. Conditions have been agreed with Essex Police and Community Resilience Team, these have also been attached to this report.
9. The Objections relate to:
 - a. the prevention of crime and disorder;
 - b. public safety;
 - c. the prevention of public nuisance; and

- d. the protection of children from harm

Guidance Issued by the Secretary of State

10. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
11. Sections 2.1 to 2.32 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
- Conditions agreed with Essex Police and Community Resilience Team
- 18 letters of objections from residents, Loughton Residents Association Plans Group and Loughton Town Council.