

Report to the Licensing Sub-Committee

Date of meeting: 8th November 2022

Subject: Licensing Act 2003- Application for a Premises Licence for Funky Monk 236 High Street Epping Essex, CM16 4AP



Responsible Officer: Debbie Houghton, Licensing Officer 01992 564336

Democratic Services Officer: J Leither

Decisions Required:

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

Report:

Application

An application has been made by Funky Monk Essex Ltd, 71-75 Shelton Street, Covent Garden London WC2H 9JQ for a new premises licence at 236 High Street Epping Essex CM16 4AP.

The application is for the following licensing activities,

- 1. The Provision of Recorded Music**
Sunday to Thursday 08.00 – 00.00, Friday and Saturday 08.00 – 01.00am

Late Night Refreshment
Sunday to Thursday 23.00 – 00.00, Friday and Saturday 23.00 – 01.00

The Sale by Retail of Alcohol
Sunday to Thursday 08.00 – 00.00, Friday and Saturday 08.00 – 01.00 (On sales only)

Opening Times of the Premises
Sunday to Thursday 08.00 – 00.30am, Friday and Saturday 08.00 – 01.30am

- 2** The application was received and valid on the 22nd September 2022.

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

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.

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

Consultation

- 4** 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.
- 5** All residences and businesses within 150 meters radius of the premises were individually consulted.
- 6** The authority has received 7 representations of objection from local residents, please see emails attached.
- 7** One of the letters of representation had Appendices 1-10 attached but on discussions with our legal department the Appendices were deemed irrelevant to the Licensing Act 2003 and have not been included in the agenda.
- 8** There have been no responses from any of the Responsible Authorities consulted
- 9** The Objections relates to The Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance, Copies of the objections are attached to this report

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.
- 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 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 a Premises Licence.
- Plans of the premises
- Newspaper advert and Public Notice
- Copies of the representations of objection