

Report to the Licensing Committee

Date of meeting: 17th January 2023

Subject: Application to vary an existing premises Licence for Bonhomie, 14 Forest Drive, Theydon Bois, Epping, Essex CM16 7EY



**Epping Forest
District Council**

**Responsible Officer: Debbie Houghton
Licensing Officer**

Democratic Services: Jackie Leither

Recommendations/Decisions Required:

To determine the application for a variation of an existing Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by Belgique Theydon Ltd, the Premises Licence Holder for a variation to the existing premises licence at the above premises. The authority received the application on 25th November 2022. The application sets out the varied licensing activities applied for and times requested. A copy of the present licence for the premises and the application for variation are attached to this report.
2. The applicant is requesting to extend the trading hours Monday to Sunday for the following licensable activities,
3. ***The Provision of Recorded Music Monday to Sunday 08.00 – 22.00
(currently Monday to Sunday 08.00 – 18.30)***

The Provision of Late-Night Refreshment Monday to Sunday 08.00 – 22.00

***The Sale by Retail of Alcohol Monday to Sunday 08.00 – 22.00 On sales only
(currently Monday to Sunday 08.00 – 18.00 on and off sales)***

The Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014, brought about deregulatory changes of The Licensing Act 2003 and as such no licence is required for:

- *Unamplified live music between 08.00 and 23.00 on any day, on any premises.*
- *Amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises*
- *Recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500*

Licensing Act 2003

4. When considering an application for a licence the licensing authority must have regard to the promotion 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 received a copy of the application, it was properly advertised at the premises and in a local newspaper, a copy of the newspaper advert and the Public notice are attached to this report.

All residences and businesses within 150 meters radius of the premises were individually consulted.

7. The authority has received 1 representation of objection from Theydon Bois Parish Council (attached), and comments from the Planning Department
8. The representation relates to the Prevention of Public Nuisance, Public Nuisance, The Prevention of Crime and Disorder and The Protection of Children from Harm.

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 2.1-2.6 and 2.15-2.21 of the Guidance are relevant to this application.

Options

11. 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:
 - To grant the variation as applied for
 - To modify the variation submitted; or
 - to reject the whole or part of the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

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
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary>
- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- A copy of the variation application
- A copy of the existing premises licence Part A.
- Copy of the Blue notice
- Copy of the Newspaper advert
- Copy of Representation and comment