

Report to the Licensing Sub Committee

Date of meeting: 20th August 2024

Subject: Application to vary an existing premises licence at Pink Zebra, 6-7 Foxes Parade, Sewardstone Road, Waltham Abbey, Essex, EN9 1PH.



**Epping Forest
District Council**

Responsible Officer: Hannah Gould, Licensing Compliance Officer

Democratic Services:

Recommendations/Decisions Required:

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

Report:

Application

James Webster has applied to the Licensing office at Epping Forest District Council for a variation to their Premises Licence in respect of **Pink Zebra, 6-7 Foxes Parade, Sewardstone Road, Waltham Abbey, Essex, EN9 1PH.**

The application was received on the 4th July 2024 and seeks to vary the existing hours as follows:

Recorded Music, Performance of dance and Live Music:

Monday to Thursday 11:00 – 01:00 (*unchanged*)

Friday to Saturday 11:00 – 03:15 (*currently 11:00 – 02:00*)

Sunday 11:00 – 02:30 (*currently 11:00 – 01:00*)

Late night refreshments:

Monday to Thursday 23:00 – 00:30 (*unchanged*)

Friday to Saturday 23:00 – 02:45 (*currently 23:00 – 01:30*)

Sunday 23:00 – 02:00 (*currently 23:00 – 00:30*)

Sale of Alcohol:

Monday to Thursday 11:00 – 01:00 (*currently 11:00 – 00:30*)

Friday to Saturday 11:00 – 03:00 (*currently 11:00 – 01:30*)

Sunday 11:00 – 02:00 (*currently 11:00 – 00:30*)

Hours premises will be open to the public:

Monday to Thursday 11:00 – 01:00 (*currently 11:00 – 01:00*)

Friday to Saturday 11:00 – 03:15 (*currently 11:00 – 02:00*)

Sunday 11:00 – 02:30 (*currently 11:00 – 01:00*)

Seasonal variations:

The exact same as the license apart from the end time (Finishing Time). Also an additional 2 hour Christmas eve and boxing day, new years eve/day to start of permitted hours on the following day.* (*no current seasonal variations*)

* the applicant has provided further clarification on the intended seasonal hours. Please see the attached documents.

Licensing Act 2003

When considering an application for a licence the licensing authority must have regard to steps that are appropriate to promote the licensing objectives.

These are—

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Guidance Issued by the Secretary of State

The Licensing Act 2003 provides that the licensing authority must 'have regard to guidance issued by the Secretary of State under section 182.

https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Guidance relevant to this application

- The licensing objectives: Sections 2.1 - 2.37
- Variations to licensing hours: Sections 8.66 – 8.66
- Relaxation of opening hours for local, national and international occasions: Sections 8.78 – 8.79
- Relevant, vexatious and frivolous representations: Sections 9.4 – 9.10
- The role of responsible authorities: Sections 9.11 – 9.12
- Hearings: Sections 9.31 – 9.41
- Determining actions that are appropriate for the promotion of the licensing objectives: Sections 9.42 – 9.44

Consultation

The consultation period ran from the 5th July 2024 to the 1st August 2024.

All Responsible Authorities received a copy of the application.

It was advertised at the premises and in the local newspaper.

The authority has received:

- 1 objection from the Council's Community Resilience Team
- 1 objection from Essex Police

All details are attached.

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:

- 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 <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- The Secretary of State's Guidance issued under Section 182 Licensing Act 2003 https://assets.publishing.service.gov.uk/media/65a8f578ed27ca00d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf
- Epping Forest District Council's statement of licensing policy. <https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/03/Statement-of-Licensing-Policy-FINAL.pdf>

Attached documents

- Application to vary the premises licence
- Seasonal variation explanatory note
- Existing premises licence
- White Notice
- Newspaper advert
- Objection from Community Resilience
- Objection from Essex Police
- Map of the area