

Report to Licensing Committee
Date of meeting: 4 February 2010

Subject: The Minx, 126 High Road, Loughton, Essex
IG10 4BE.

Responsible Officer: Kim Tuckey
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Democratic Services: Gary Woodhall
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Decision Required:

To determine the application for a review of the Premises Licence submitted by Essex Police.

Report:

Application for Review

1. An application has been made by Essex Police to review the premises licence for The Minx, 126 High Road, Loughton, IG10 4BE on the grounds of:
 - (a) the prevention of crime and disorder;
 - (b) public safety; and
 - (c) the prevention of public nuisance .

The Minx

2. The premises licence was granted on 29/6/2006 to Trust Inns, and a copy of the Premises Licence is attached to this report.
3. A review application has been made by Police Inspector Tom Simons on behalf of the Essex Police, which relates to the three licensing objectives set out above. A copy of the application for the review is attached to this report.
4. The premises are situated at 126 High Road, Loughton, IG10 4BE. A map of the area is attached to this report.

Consultation

5. The application for review was advertised as required by the Licensing Act 2003 and nine letters and three emails of objection were received. Essex County Council Child Protection Team has made representations regarding the protection of children from harm which is also one of the four licensing objectives. Richard Gardiner from Environmental Control has also objected on the grounds of the prevention of public nuisance.

Guidance

6. The government has issued Guidance pursuant to section 182 of the Licensing Act 2003 that deals with reviews in paragraphs 11.1 – 11.28. A copy of that Guidance is attached

to this report.

7. The Sub-Committee's powers are set out in paragraphs 11.15 to 11.21. Paragraph 11.18 states 'In deciding which of the powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.'

Options

8. Having considered the representations from all parties the Licensing Sub-Committee has to determine the application for the review of the premises licence. The Licensing Sub-committee is required to take such of the steps listed below in paragraph 10 as it considers necessary for the promotion of the licensing objectives which are:

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance; and
- (d) Protection of children from harm.

9. In coming to a view about whether such a step in paragraph 10 is necessary for the promotion of the licensing objectives, the Licensing Sub-committee would need to take into account the review application, any relevant representations, the evidence given at the hearing, the representations made by the premises licence holder, the Guidance issued by the Secretary of State and the Council's Licensing Policy.

10. Where it considers it necessary for the promotion of the licensing objectives, the options available to the Licensing Sub-Committee are to modify the conditions of the Licence:

- (i) to exclude a licensable activity from the scope of the licence;
- (ii) to remove the designated premises supervisor;
- (iii) to suspend the licence for a period not exceeding three months; or
- (iv) to revoke the licence.

11. For this purpose the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

12. If the Sub-Committee decides to take a step mentioned in paragraphs 10(i) or 10(ii), it may provide that the modification or exclusion shall take effect for only such period (not exceeding three months) as it may specify.

13. Any modified conditions should be practical and enforceable.

Appeal

14. If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

Background Papers:

List of papers attached:

- Premises Licence for the Minx;
- Application for the review and supporting documents from Essex Police;
- 9 Letters of objection from interested party's and 3 emails;
- Letter from Essex County Council;
- Letter and supporting documents from Richard Gardiner (including map/plan of premises);
- .A Map showing the area; and
- Guidance issued under S182 of the Licensing Act 2009.