

**Report to Licensing Subcommittee**  
**Date of meeting: 3<sup>rd</sup> August 2010**

**Subject: Licensing Act 2003 - Application for a  
Premises Licence – 10 Brook Parade High Road  
Chigwell Essex IG7 6PB**

**Officer contact for further information: K Tuckey**



**Epping Forest  
District Council**

**Committee Secretary: Rebecca Perrin**

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**Decision Required:**

The Council has received an application under the provisions of the Licensing Act 2003 and the sub-committee is asked to determine the application on its individual merits.

**Report:**

**1. Introduction**

- 1.1 This application is made by Miss Hatice Yesil to supply alcohol for consumption off the premises at the times set out in section M of the attached application. The hours of closing are set out in section O and are the same as the times of supply.
- 1.3 The Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives, namely:
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 1.4 The application was advertised as required by statute.

**2. Representations**

- 2.1 The application has been sent to all relevant authorities. A reply was received from the Divisional Licensing Officer of the Police and from the Authority's Environment and Neighbourhood Officer which stated that they had no representations to make. Copies of this correspondence is attached
- 2.2 A representation has been made by Mr W Yeung objecting. A copy of his letter is attached.

**3. Policy Considerations**

- 3.1 The Licensing Authority must have regards to its Statement of Licensing Policy and any statutory guidance issued under S182 of the Licensing Act 2003 when making any decision.

### 3.2 The Council's Statement of Licensing Policy –

- Page 5 sets out the overriding principle that the Authority will be adopted in determining each application.
- Page 6 - Licensing Hours
- Page 8 – Licence Conditions

### 3.3 Statutory Guidance: Guidance has been issued under S182 of the Licensing Act 2003. The following sections/paragraphs are applicable to this application.

#### 3.3.1 Section 2 – The Licensing Objectives. The objector has objected on all four of the licensing objectives.

- Crime and Disorder –Sections 2.1 to 2.18 apply. Section 2.1 of the guidance states that the licensing authority should look to the police as the main source on these matters
- Public Safety – Sections 2.19 to 2.31 apply. Section 2.19 of the guidance states that licensing authorities should note that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health issues.
- Public Nuisance – Sections 2.32 to 2.40 apply. Section 2.32 considers it important that that licensing authorities focus on impacts of the licensable activities at the premises on persons living and working in the vicinity that are disproportionate and unreasonable.
- Protection of Children from Harm Sections 2.41 to 2.50. With regards to the consumption of alcohol by minors Section 2.43 states that that the Licensing Authority should focus on enforcing the law.

#### 3.3.2 Section 9 covers the determination of applications.

- Sections 9.3 to 9.7 giving guidance to cover situations where representations have been made.
- Sections 9.3 – 9.13 giving guidance to cover situations where representations have been made.
- Sections 9.4 –9.6 address the issues of relevance and vicinity. If there is any doubt as to whether an objection is relevant Section 9.12 recommends that in borderline cases the benefit of doubt should be given to the interested party making the representation. The subsequent hearing would provide an opportunity for the person to amplify and clarify it. If it then emerged that the representation should not be supported, the licensing authority could decide not to take any action.
- Section 10.15 – 10.18 covers duplication and other statutory provisions. The Guidance states that the Licensing Act 2003 does not affect the continued use of the powers of an environmental health officer in respect of statutory noise nuisance under the Environmental Protection Act 1990.
- Annex D (page 128) covers conditions relating to licensing objectives.

## 4. Conclusions

The Licensing Authority has a duty under the Licensing Act 2003 by promoting the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998. The Council must also fulfill its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the Epping Forest District.

## **5. Options**

5.1 Members may:

- Grant the application as submitted
- Modify the conditions of the licence by altering or omitting or adding to them
- Reject the application

### **BACKGROUND PAPERS:**

The following are the background papers that were used in the preparation of this report:

Guidance issued under section 182 of the Licensing Act 2003  
The Council's Statement of Licensing Policy

To inspect these documents please contact Kim Tuckey, Senior Licensing Officer – 01992 564034