

Report to the Licensing Committee

Date of meeting: 9th May 2011

**Subject: Belgique, 3, Centric Parade, 200, High Road,
Loughton, Essex IG10 1DN**

**Responsible Officer: Kim Tuckey 01992 564034
Senior Licensing Officer**



**Epping Forest
District Council**

Democratic Services: Mark Jenkins

Recommendations/Decisions Required:

To determine the application for a Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by Alan Aylott licensing agents on behalf of Ms. Kalbinder Dubb for a premises licence for the above premises. The application was received on the 10th March 2011 and is attached to this report. The application sets out the relevant licensing activities applied for and times requested.
2. The Operating Schedule sets out conditions which will be attached to the licence if this application is granted. In this case the suggested conditions are annexed as a schedule.

Licensing Act 2003

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

Consultation

5. The application has been consulted on in accordance with the requirements of the Licensing Act 2003. The Sub-committee must only take account of any representation must relate to particular premises and must be relevant to the promotion of one or more of the four licensing objectives.
6. The authority has received eight representations from interested parties. Seven of those are from residents of Clifton Road and one from Cllr. Rod Barrett, Loughton St. Mary's ward
7. All objectors identify the prevention of public nuisance as their main objection. In their objection Krissi Loppas and James Rampton raise objections on the grounds of crime

and disorder, public safety and the prevention of public nuisance

Guidance Issued by the Secretary of State

8. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
9. Paragraphs 2.1 to 2.18 of the guidance relate to the prevention of crime and disorder. Paragraph 2.1 states that "Licensing Authorities should look to the police as the main source of advice on these matters".
10. Paragraphs 2.19 to 2.31 relate to public safety. Paragraph 2.19 states that 'Licensing authorities and responsible 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 which is dealt with in other legislation.
11. Paragraphs 2.32 to paragraphs 2.40 relate to public nuisance. The guidance states that the 2003 Act requires licensing authorities (following receipt of relevant representations) to make judgements about what constitutes a public nuisance and what is necessary to prevent it in terms and conditions attached to the specific premises licences. 'It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.'

Options

12. 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
 - i. the conditions mentioned in the Operating Schedule modified as the Sub-committee considers necessary for the promotion of the licensing objectives, and
 - ii. 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

13. 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 necessary to the licensing objectives.

Appeal

14. If any party is aggrieved with the decision they can appeal to Magistrates court. Such appeals are by way of re-hearing. The appeal period is 21 days from notification of the decision.

Background Papers Used In Preparing This Report:

- The Licensing Act 2003
- The Secretary of State's Guidance issued under Section 182 Licensing Act 2003
- Epping Forest District Council's statement of licensing policy.

Attached documents

- Application for premises licence
- Representation from Interested Parties
- Map showing the area