

Report to the Licensing Committee

Date of meeting: 10th January 2012

Subject: The Duke of Wellington 36 High Street Epping CM16

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



**Epping Forest
District Council**

Democratic Services: Gary Woodhall

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 Marlene Freeney for a variation to the premises licence for the above premises. The authority received the application on 23/11/2011. The application sets out the varied licensing activities applied for and times requested. A copy of the present licence for the premises, map the application for variation and the public notice are attached.

The applicant is requesting the variations specified in Sections E,F,J, L, M and O of the Application for Variation which seeks to amend the Operating Schedule of the premises licence .(

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 have received a copy of the application, it was properly advertised at the premises and in a local newspaper
7. The authority has received a representation from the Planning Directorate and the Environment and Neighbourhood Team of the Council..
8. The representations object on the grounds of public nuisance

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.

Options

10. 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 modify the conditions of the licence; 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

- (b) the content of this report and representations
- (c) 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

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

- Application for premises licence
- A copy of the Premises Licence
- Copy of the newspaper notice
- Representation from David Baker of the Epping Forest Planning Directorate and Richard Thomason from the Environment and Neighbourhood Team.
- Map showing the area