

# **Report to the Licensing sub Committee**

**Date of meeting: 12<sup>th</sup> April 2012**

**Subject: Club 195, Cottis Lane, Epping, Essex**

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



**Epping Forest  
District Council**

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**Democratic Services: Adrian Hendry**

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## **Recommendations/Decisions Required:**

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

## **Report:**

### **Application**

1. An application has been made on behalf of TDS Entertainment Ltd for a premises licence for the above premises. The application was received on the 20/2/2012 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.
3. The premises currently has a full premises licence, but has applied for a new 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 representations from five residents of Epping. Responses were received from the Police and the Council's Environment and neighbourhood Officer making no representations against the application.
8. Objectors identify Crime & Disorder issues along with 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.
10. 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".
11. 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.
12. 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**

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

The Sub-committee is asked to determine the application having regard to

- (e) the content of this report and representations
- (f) 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>
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### **Attached documents**

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