Report to the Licensing Sub-Committee

Date of meeting: 12th April 2012

Subject: Broadway Express, 74, The Broadway, Loughton IG10 3ST

Epping Forest District Council

Responsible Officer: Kim Tuckey 01992 564034
Senior Licensing Officer

Democratic Services: Mark Jenkins

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 Guner Islet the Premises Licence Holder for a variation to the premises licence for the above premises. The authority received the application on 15th February 2012. The application sets out the varied licensing activities applied for and times requested. A copy of the present licence for the premises, and the public notice are attached.

2. The applicant is requesting an extension of the hours to sell alcohol. At present the licence permits alcohol to be served Monday – Sunday 6:00 to 23:00 and with the same closing times. The Licensee is seeking to extend the hours to 06:00am until 00:00 Monday to Thursday and 06:00am to 1:00am Friday & Saturdays

3. Section M and O of the application for variation amends 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 representations from Essex Police and six representations

from others parties (one of the six is in support of the application).

8. The representations relate to Crime & Disorder, Public Nuisance and Protection of children from har.

Guidance Issued by the Secretary of State

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9. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.

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Options

11. 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
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Attached documents

- Application for Premises Licence
- A copy of the Premises Licence
- Copy of the notice
- Representation from Essex Police
- Six interested party's (including one in support)
- Map showing the area