

Report to the Licensing Sub Committee

Date of meeting: 8 May 2012

Subject: 58, High Road, North Weald CM16 6BY

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



**Epping Forest
District Council**

Democratic Services: R Perrin

Recommendations/Decisions Required:

Decisions Required:

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

Report: To consider a new application for the above premises

Application

1. An application has been made by Minhe Lin for a new premises licence for the above premises. The application was received on the 14/3/2012 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 the applicant has offered to be attached to the licence if the application is granted. These relate to the prevention of crime and disorder but also include operating a challenge 25 policy.

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 Responsible Authorities have received a copy of the application; it was properly advertised at the premises and in a local newspaper.
6. The authority has received representations from the 3 residents.
7. The authority may only take account of objections which relate to the four licensing objectives. The relevant objections relates to noise nuisance and Crime & Disorder.

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. Sections 2.32 to 2.40 of the Licensing Act 2003 are relevant to this application.

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

- 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

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.
- Representation from 3 residents.
- Map showing the area.