

# **Report to the Licensing Committee**

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

**Subject: Luxe Essex 126 High Road, Loughton Essex IG10 4BE**

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

**Democratic Services: R Perrin**



**Epping Forest  
District Council**

## **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 Peach Entertainment Ltd, the Premises Licence Holder, for a variation to the premises licence for the above premises. The authority received the application on 24<sup>th</sup> April 2012. The application sets out the varied licensing activities applied for and times requested. A copy of the present licence for the premises, the application for variation and the public notice are attached.
2. The applicant is requesting an extension of hours for licensable activities and to remove some current conditions and replace them with new offered conditions
3. Sections B,C,E,F,G,H, I, J, K, L,M, and O of the application to vary amends the Operating Schedule of the premises licence and sets out some new conditions which will be attached to the licence if this application is granted.

### **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 13 representations from interested parties, one representation from the Neighbourhood & Noise team and one from the authority's planning department. The police have stated that they will not be making a representation.

8. The representations relate to Noise, Crime & Disorder and 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. Section 8.45 of the Licensing Act guidance issued in April 2012 applies

### **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

- (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 appropriate to promote 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
- Epping Forest District Council's statement of licensing policy.  
<http://www.eppingforestdc.gov.uk>
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### **Attached documents**

- Application to Vary Premises Licence
- Copies of Representations received
- Copy of the notice
- A copy of the Premises Licence
- Map showing the area