

# **Report to the Licensing Sub-Committee**

**Date of meeting: 10<sup>th</sup> July 2012**

**Subject: The Old Foresters, The Playing Fields, Theydon Bois, Essex CM16 7NN**

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

**Democratic Services: Mark Jenkins (01992 56 4607)**

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**Epping Forest  
District Council**

## **Recommendations/Decisions Required:**

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

### **Report:**

#### **Application**

1. An application has been made by James Motion on behalf of Martin Beckett for a premises licence for the above premises. The application was received on the 25<sup>th</sup> May 2012 and is attached to this report. The application sets out at Section M the relevant licensing activities applied for and times requested and Section O the hours when the premises are open to the public..
2. The Operating Schedule (Section P) of the Application sets out conditions which will be attached to the licence if this application is granted.

#### **Licensing Act 2003**

3. When considering an application for a licence the licensing authority must have regard to steps that are appropriate to promote 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 planning department and 22 representations from residents & one representation from Theydon Bois Parish Council and one from the Theydon Bois Action Group.

Essex Police, the Fire Service and Environmental Health made no representation

- 7 The objections relate to all of the licensing of the licensing objectives. However, some of the objections which are set out below do not relate to one of the four licensing objectives and cannot be taken into consideration when making a decision:
  - the planning authority object on the ground that planning permission is required and

this is mentioned in other objections.

- several objectors mention of a lack of need.
- The effect on businesses in the village of Theydon Bois
- The infringement of the Theydon Dark Sky Policy
- Green belt land
- Objections to the campsite

### **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. All four of the licensing objectives are mentioned in the objections and Section 2 of the Guidance is 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 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 for premises licence
- Advertisement
- Representation from

The parish Council  
Theydon Bois Action Group  
22 residents

- Map showing the area (which shown as a square on the map)