

Report to the Licensing Sub Committee

Date of meeting: 5th February 2013

Subject: Nando's 2 Station Road Loughton Essex IG10 4NZ

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



**Epping Forest
District Council**

Democratic Services: Mark Jenkins, ext.4607

Decisions Required:

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

Report:

Application

1. An application has been made by Nando's chicken land Ltd for a premises licence for the above premises. The application was received on the 13th December 2012 is attached to this report. The application sets out the relevant licensing activities applied for and times requested.
2. The address on the application states 3 Station Road, however the public notice and the advertisement reflect the correct address of 2 Station Road IG10 4NZ and the planning notice is attached
3. The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.
4. The applicant is applying for Late Night refreshment 23:00 til Midnight Monday to Sunday & 23:00 to 02:00 New Years Day
5. Supply of alcohol from 11 til 00.00 hrs Monday to Sunday and until 2am on New Years day
6. Opening hours 7am until 00:30hrs Monday to Sunday & 2:30 on New Years Day

Licensing Act 2003

7. 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.
8. It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

Consultation

9. The Responsible Authorities have received a copy of the application, it was properly advertised at the premises and in a local newspaper. A planning notice is also attached

10. The authority has received no representations from Essex Police & Environmental Health
11. A representation from the Environmental Health Noise Team was received offering conditions that have been agreed with the applicant.
12. A representation from Loughton Town Council
13. Five representations were received from interested parties.
14. An email was sent to all of the interested parties from Karen Lush of Trethowans Solicitors, offering further conditions (and is attached)
15. Mr Linnell of Loughton Residents Association withdrew his representation after negotiating with the solicitors and agreed revised conditions
16. The objection relates to all of the Licensing objectives

Guidance Issued by the Secretary of State

16. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
17. Sections 2.1 to 2.35 of the Guidance 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 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
- Representations
- Map showing the area