

Report to the Licensing Sub-Committee

Date of meeting: 14th October 2013



**Epping Forest
District Council**

Subject: Mezesphere 74 High Street Epping CM16 4AE

**Responsible Officer: Nuala Clark
01992 564340**

**Democratic Services: Gary Woodhall
01992 564470**

Decisions Required:

(1) To determine the application for a Premises Licence under the Licensing Act 2003.

Report:

Application

1. An application has been made by Medmix 2 Limited for a premises licence for the above premises. The application was received on 5 September 2013 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 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. A 150 metres radius consultation was also undertaken incorporating 193 properties.

6. The Licensing Unit received a letter from Essex Police Essex County Fire and Rescue and the Children's Safeguarding Service stating that they will not be making any representations.

7. The Licensing Unit has received one representation from Mrs G Godden (local

resident).

8. The objection relates to The Prevention of Crime and Disorder and The Prevention of 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. Sections 2.1 to 2.18 and 2.32 to 2.40 of the Guidance are relevant to this application.

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:

- (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;
- (b) to exclude from the scope of the licence any licensable activities to which the application relates;
- (c) refuse to specify a person as the premises supervisor; or
- (d) reject the application.

Determination

12. 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

13. 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>

Attached Documents:

- Application for premises licence
- Newspaper notice
- Letter from Essex Police
- Letter from Essex County Fire & Rescue Service
- Letter from Children's Safeguarding Service
- Representation from Mrs G Godden
- Map showing the area