

# **Report to the Licensing Sub Committee**

**Date of meeting: 7 January 2014**

**Subject: New Premises Licence application – Shikha Indian Takeaway – 164 Queens Road, Buckhurst Hill, Essex IG9 5BD**



**Epping Forest  
District Council**

**Responsible Officer: Joanne Owen 01992 564270  
Licensing Compliance Officer**

**Democratic Services: Mark Jenkins (01992 56 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 **Mr Mohammed Rahman** for a premises licence for the above premises. The application was received on the 14<sup>th</sup> November 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. All responsible Authorities have been notified and we have received responses from Essex Police, Essex County Fire & Rescue Service, Safeguarding Children Family Operations who have no objections. The authority has received four representations from local residents.

Please note: Emails and a letter were received from Peter Jones, Essex Police - relating to Challenge 25, secure storage of alcohol on the premises and setting minimum monetary spend for alcohol purchase, this was not an objection and the applicant has agreed to the conditions.

Emails and letter have also been received from Paula Stacey – Service Manager from Safeguarding Children Family Operations Essex County Council in connection with the inclusion of Challenge 25 as a condition.

6. The application was properly advertised at the premises and in a local newspaper. It was also sent to 120 premises that fall within 150m radius of Shikha Indian Takeaway.
7. The objections relate to Public Nuisance, Crime and Disorder and the protection of children from harm.

### **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 2.1 – 2.16, Sections 2.32 – 2.40 and Sections 2.41 to 2.51 of the Guidance are relevant to this application

### **Options**

10. 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**

11. 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**

12. 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 new premises licence and Newspaper advert
- Public Notice
- Responses from:
  - Essex Police including e-mail from Peter Jones
  - Essex County Fire & Rescue Service
  - Safeguarding Children Family Operations including e-mail/letter from Paula Stacey
- Representation from 4 local residents
- Map showing the area