

Report to the Licensing Sub Committee

Date of meeting: 16th January 2014

**Subject: New Premises Licence application - Orchid 54
Winebar – 54 Sun Street, Waltham Abbey, Essex, EN9 1EJ**

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

Democratic Services: R Perrin 01992 564532



**Epping Forest
District Council**

Decisions Required:

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

Report:

Application

1. An application has been made by Adebola Adeshina for a premises licence for the above premises. The application was received on the 21st 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. The Responsible Authorities have been notified and we have received responses from Cllr Helen Kane, Essex Police, Essex County Fire & Rescue Service, Safeguarding Children Family Operations, EFDC Planning Department, EFDC Environmental and Neighbourhood Group, EFDC Public Health Department and Waltham Abbey Town Council who have no objections. We have also received an email from Howard Green from Duncan Phillips Ltd – the Freeholder 54 Sun Street, confirming that they do not have any objections to the application. The authority has received one objection from one resident.

Please note: Emails and a letter were received from Peter Jones, Essex Police – relating to adjustment to licensable activity timing, CCTV coverage and Challenge 25.

The applicant has agreed to the conditions and Peter Jones has withdrawn his objections.

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 54 Sun Street, Waltham Abbey.

7 The Objection relates to Crime and Disorder and Public Nuisance.

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 and 2.32 – 2.40 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 and Newspaper advert

- Public Notice
- Responses from:
 - Cllr Helen Kane
 - Essex Police including e-mail from Peter Jones and applicant.
 - Essex County Fire & Rescue Service
 - Safeguarding Children Family Operations
 - EFDC Planning Department
 - EFDC Environmental and Neighbourhood Group
 - EFDC Public Health Department
 - Waltham Abbey Town Council
 - Howard Green – Duncan Phillips Ltd
- Representation from 1 local resident
- Map showing the area