

Report to the Licensing Sub-Committee

Date of meeting: 13 May 2014

**Subject: Molens, 209 d/e High Road, Loughton, Essex,
IG10 1BB**



**Epping Forest
District Council**

Responsible Officer: Kim Tuckey 01992 56 4034 (Licensing Manager)

Democratic Services: Adrian Hendry 01992 56 4246

Decisions Required:

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

Report:

Application

1. An application has been made by Mustafa Timur for a new premises licence for the above premises. The application was received on the 23rd March 2014 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.
6. The authority received a no representations letter from the Quality Assurance and Safeguarding Service (Essex County Council) and an acknowledgement from the Essex County Fire and Rescue Service
7. The authority received an email and letter from Essex Police stating that they have no representations to make - should the applicant be willing to agree to four amendments to the application and the applicant has agreed in writing.
8. The authority has received seven representations from Loughton Town Council, Sandy Yamaguchi, Sylvia Lambden, Mr & Mrs Swift, Craig Elliott, Mr & Mrs Hinds, Mr & Mrs Brogan

9. The Objections relate to; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Guidance Issued by the Secretary of State

10. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
11. Sections 2.1 – 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>

Attached documents

- Application for premises licence
- DPS Consent
- Plan
- Newspaper notice
- Letter from Quality Assurance & Safeguarding Service
- Letter from Essex County Fire & Rescue Service
- E-mail from Peter Jones (Essex Police)

- E-mail from agent, agreeing Essex Police' terms and copy of amended plan
- Letter from Essex Police withdrawing representation
- Representation from Loughton Town Council
- Representation from Sandy Yamaguchi
- Representation from Sylvia Lambden
- Representation from Mr & Mrs Swift
- Representation from Mr Craig Elliott
- Representation from Mr & Mrs Hinds
- Representation from Mr & Mrs Brogan