

# **Report to the Licensing Committee**

**Date of meeting: 8<sup>th</sup> December 2014**

**Subject: Application for Review – Il Bacio, 182 Queens Road, Buckhurst Hill, Essex**



**Epping Forest  
District Council**

**Responsible Officer: Joanne Owen (01992 564299)  
Licensing Compliance Officer**

**Democratic Services: Adrian Hendry (01992 564246)**

---

## **Decision Required:**

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

## **Report:**

### **Application for Review**

1. An application has been made by Cllr Cohen on behalf of Ben Dunn to review the premises Licence for Il Bacio, 182 Queens Road, Buckhurst Hill, Essex. IG9 5BD on the grounds of:
  - the prevention of crime and disorder;
  - the prevention of public nuisance;

### **Il Bacio, 182 Queens Road, Buckhurst Hill, Essex IG9 5BD**

2. The premises Licence was granted on 10<sup>th</sup> February 2012 to Luigi Funedda and a copy of the premises Licence is attached to this report.
3. A review application has been made by Cllr Cohen on 23<sup>rd</sup> October 2014 behalf of Ben Dunn, which relates to the licensing objectives set out above. A copy of the application for the review is attached to this report.
4. The premises are situated at 182 Queens Road, Buckhurst Hill, Essex. IG9 5BD. A map of the area is attached to this report.

### **Consultation**

5. The application for review was advertised as required by the Licensing Act 2003. The following representations were received:

Cllr Gavin Chambers  
Mike Richardson – Environment and Neighbourhoods Officer – EFDC  
Mrs Heal  
R M Woodleigh  
Mr Bloor  
Steven Kingsley

The Authority also received responses from Essex Police.

There have also been a number of letters of support for Il Bacio, the breakdown is as

follows and all copies are attached.

Mr and Mrs Drew  
Gordon Burgess  
Julie Taylor  
Eimhear McIntyre  
Jo Butler and Marlene Kent  
Wendi Vaughan  
Gary Stoakes

60 residents and local business have signed a petition – a copy of this petition will be made available to members.

36 comments in support of Il Bacio from customers

## **Guidance**

6. The Government has issued Guidance pursuant to Section 182 of the Licensing Act 2003 that deals with reviews in paragraphs 11.1 – 11.30. A copy of that Guidance is attached to this report.
7. The Sub-Committee's powers are set out in paragraphs 11.16 to 11.23. Paragraph 11.20 states, "In deciding which of the powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

## **Options**

8. Having considered the representations from all parties the Licensing Sub-Committee has to determine the application for the review of the premises Licence. The Licensing Sub-Committee is required to take such of the steps listed below in paragraphs 1.2 – 1.3 as it considers necessary for the promotion of the licensing objectives which are:
  - Prevention of crime and disorder;
  - Public safety;
  - Prevention of public nuisance; and
  - Protection of children from harm
9. In coming to a view about whether such a step in paragraphs 1.2 – 1.3 is necessary for the promotion of the licensing objectives, the Licensing Sub-Committee would need to take into account the review application, any relevant representations, the evidence given at the hearing, the representations made by the premises licence holder, the Guidance issued by the Secretary of State and the Council's Licensing Policy.
10. Where it considers it necessary for the promotion of the licensing objectives, the options available to the Licensing Sub-Committee are:

To modify the conditions of the Licence:

- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months; and
- to revoke the licence; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

11. If the Sub-Committee decides to take steps mentioned in paragraphs 11.19 of the Guidance they may provide that the modification or exclusion shall take effect for only such period (not exceeding three months) as it may specify.
12. Any modified conditions should be practical and enforceable.

### **Appeal**

13. If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

Attached documents below:

- Application for the review and supporting documents from:
- Representations from:
  - Cllr Gavin Chambers
  - Mike Richardson – Environment and Neighbourhoods – EFDC
  - Mrs Heal
  - R M Woodleigh
  - Mr Bloor
  - Steven Kingsley
- Location map
- Response from Essex Police
- Correspondence of support from:
  - Mr and Mrs Drew
  - Gordon Burgess
  - Julie Taylor
  - Eimhear McIntyre
  - Jo Butler and Marlene Kent
  - Wendi Vaughan
  - Gary Stoakes
  - Copy of comments book
- Premises Licence for Il Bacio 182 Queens Road, Buckhurst Hill
- Guidance issued under S182 of the Licensing Act 2009