

Report to the Licensing Sub-Committee

Date of meeting: Tuesday 8th September 2015



**Epping Forest
District Council**

Subject: Papillon Restaurant, 13 Brook Parade, High Road, Chigwell IG7 6PF

**Responsible Officer: Sarah Moran 01992 564270
Licensing Compliance Officer**

Democratic Services: Adrian Hendry

Recommendations/Decisions Required:

To determine the application for a Variation of an existing Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by Carlos & Laurentina Fernandes trading as Papillon Restaurant, for a variation to a Premises licence for the above premises. The authority received the application on 24th June 2015. The application sets out the relevant licensing activities applied for and times requested.

Proposed Variation

The Sale of Alcohol: Sun – Thurs 11:00hrs – 23:00hrs
Fri & Sat 11:00hrs – 01:00hrs

Recorded Music: Mon – Sun 11:00hrs – 23:00hrs

Late Night Refreshment: Sun – Thurs 23:00hrs – 23:30hrs
Fri & Sat 23:00hrs – 01:30hrs

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 the promotion 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 Licensing authority have received **NO** representations from responsible authorities.

7. The Licensing Unit received an acknowledgement from Essex County Fire & Rescue Service, Environmental Health and no comment letter from Chigwell Parish Council

8. The Licensing unit have received **10** representations from interested parties.

9. The representations relate to. The Prevention of Crime and Disorder, Public Safety & Public Nuisance

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. Crime and Disorder 2.1 – 2.5, Public Safety 2.6 – 2.13 and Public Nuisance 2.14 – 2.30 of the Guidance are relevant to this application

Options

12. 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:

- to modify the conditions of the licence; or
- to reject the whole or part of the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

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
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary>
- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- Application to Vary a Premises licence
- Existing Premises Licence Part A
- Newspaper notice
- Email from Peter Jones Essex Police
- Acknowledgment letter from Essex County Fire & Rescue Service.
- Acknowledgment letter from Environmental Health Officer.
- Acknowledgment letter from Chigwell Parish Council
- 10 Representations from Interested Parties
- Map showing the area.