

Report to the Licensing Sub Committee

Date of meeting: 7th June 2016

Subject: Cafelicious, 57 The Broadway, Loughton, Essex, IG10 3SP

Responsible Officer: Lindsey Turner,
Licensing Compliance Officer

Democratic Services: Adrian Hendry



**Epping Forest
District Council**

Decisions Required:

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

Report:

Application

1. An application has been made by Mr. Yasin Yaman for a new premises licence at Cafelicious, 57 The Broadway, Loughton, Essex, IG10 3SP; the application is for a café shop which provides freshly prepared hot and cold food. The supply of alcohol will be for on and off the premises during permitted hours as per attached operating schedule. The application was received on the 19th April 2016.

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 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 also advertised at the premises and in a local newspaper.

6 All residences and businesses within 150 meters radius of the premises were individually consulted.

7 The authority has received one representation from Loughton Town Council and two letters from local residents, which are also attached. An objection was received from The Police who have subsequently withdrawn their objections on the basis that conditions they have offered have been accepted by the applicant, please see attached. Essex Fire Service who have no objections.

8 The Objections relate to;

- (a) the prevention of crime and disorder;
- (b) public safety
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Guidance Issued by the Secretary of State

9 The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.

10 Sections 2.1 to 2.30 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
- Plan of the premises
- Newspaper advert
- Map of the area
- Letter of objection from Loughton Town Council
- Correspondence between Police and applicant agreeing conditions with subsequent letter from Police withdrawing their objections
- One redacted letter from local resident for the Committee to determine whether they will consider the objection