

Report to the Licensing Sub-Committee



**Epping Forest
District Council**

Date of meeting: 9 January 2018

Subject: Nisa Local, 66-70 Borders Lane, Loughton, IG10 3QX

Responsible Officer: Handan Ibrahim (01992 564153)

Democratic Services: Gary Woodhall (01992 564470)

Decisions Required:

(1) To determine the application for a variation of a Premises Licence under the Licensing Act 2003.

Report:

Application

1. An application has been made by Mr Mustafa Ates for a variation of his premises Licence at Nisa Local, 66-70 Borders Lane, Loughton, IG10 3QX, The application seeks to amend the opening times from 07:00-23:00 Monday to Sunday and change the premises lay out, incorporating numbers 66, 68 and 70 into one large premises. The application was received on 17 November 2017.

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 also advertised at the premises and in a local newspaper.

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

7. The authority has received representations from Loughton Town Council and local

residents, which are also attached. Responses have been received from The Police who agreed conditions via the email dated 30 November 2017 (attached) and the Essex Fire Service and Child Protection Team who have no objections.

8. The Objections relate to the prevention of crime and disorder (2.1-2.6), the prevention of public nuisance (2.15-2.21) and the protection of children from harm (2.22-2.32).

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 2.1-2.6, 2.15-2.21, 2.22-2.32 of the Guidance are relevant to this application

Options

11. 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

12. 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

13. 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
- Blue Notice
- Map of the area
- Letters from Essex Police with agreed conditions
- Three letters of objections from Loughton Town Council, Cllr Christopher Roberts and a local resident.