

# **Report to the Licensing Sub-Committee**

**Date of meeting: Monday 29 July 2019**

**Subject: Licensing Act 2003- Application for a Premises Licence for Play House and Essex Roof Garden, 195-199 Cottis Lane, Epping, Essex, CM16 4BL**



**Epping Forest  
District Council**

**Responsible Officer: Debbie Houghton, Licensing Officer 01992 564336**

**Democratic Services Officer: R Perrin**

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## **Decisions Required:**

**To consider an application for a Premises Licence under the Licensing Act 2003.**

## **Report:**

### **Application**

1. An application has been made by CK Entertainments Ltd, Playhouse, Cottis Lane, Epping, Essex, CM16 4BL for a new premises licence at 195-199 Cottis Lane, Epping, Essex, CM16 4BL.

The application is for the following licensing activities: -

#### **The Provision of Live Music**

Thursday to Saturday 23.00 – 03.30, Sunday 23.00 – 00.30

(Non-standard timings New Year's Eve from 11.00 – 03.30 on New Year's Day)

(Sundays before bank holidays 23.00 – 03.00 the following day)

#### **The Provision of Recorded Music**

Thursday to Saturday 23.00 – 03.30, Sunday 23.00 – 00.30

(Non-standard timings New Year's Eve from 11.00 – 03.30 on New Year's Day)

(Sundays before bank holidays 23.00 – 03.30 the day following)

#### **The Performance of Dance**

Thursday to Saturday 23.00 – 03.30, Sunday 23.00- 00.30

(Non-standard timings New Year's Eve from 11.00 – 03.30 on New Year's Day)

(Sundays before bank holidays 23.00 – 03.30 the day following)

#### **Anything of a similar description to that of above**

Thursday to Saturday 23.00 – 03.30, Sunday 23.00 – 00.30

(Non-standard timings New Year's Eve from 11.00 – 03.30 on New Year's Day)

(Sundays before bank holidays 23.00 – 03.30 the day following)

#### **Late Night Refreshment**

Monday to Wednesday 23.00 – 00.00, Thursday to Saturday 23.00 – 03.30, Sunday 23.00 – 00.30

(Non-standard timings New Year's Eve from 11.00 – 03.30 on New Year's Day)

(Sundays before bank holidays 23.00 – 03.30 the day following)

### **The Sale by Retail of Alcohol**

Sunday to Wednesday 11.00 – 00.00, Thursday to Saturday 11.00 – 03.00

On the premises only

(Non-standard timings New Year's Eve from 11.00 – 03.30 on New Year's Day)

(Sundays before bank holidays .00 – 03.00 the day following)

### **Opening Hours of the Premises**

Sunday to Wednesday 11.00 – 00.30, Thursday to Saturday 11.00 – 03.30

(Non-standard timings New Year's Eve from 11.00 – 03.30 on New Year's Day)

(Sundays before bank holidays 11.00 – 03.30 the day following)

2. The application was received on the 4<sup>th</sup> June 2019.

The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

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 all received a copy of the application, it was also advertised at the premises and in a local newspaper. A copy of the Blue Notice is attached to this report.

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

7. The authority has received 12 representations of objections from Essex Police, Environment and Neighbourhoods, Epping Town Council, 2 from the local ward Councillors, and 7 from local residents. Please see emails and copies of letters attached to this report.

8. There were also 12 representations from local businesses and residents in support of the application, copies of the representations are attached to this report.

9. The Objections relate to the Prevention of Crime and disorder, Prevention of Public Nuisance, and Public Safety and The Protection of Children from Harm.

- On the 4<sup>th</sup> January 2019 in accordance with Section 53b of the Licensing Act 2003 the Licensing Authority after reading a Summary Review submitted by Essex Police made a decision to take interim steps to suspend the previous premises licence with immediate effect until a review hearing as it was deemed there was a danger of further serious crime and serious disorder.
- A licensing Sub Committee hearing met on the 29<sup>th</sup> January 2019 to determine the Summary Review.
- The decision of the Licensing Sub Committee was to revoke the premises Licence of Club 195.

- The decision minutes from the hearing on the 29<sup>th</sup> January 2019 are attached with this report.

### **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 2.15 to 2.21 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 a Premises Licence.
- Plan of the premises
- Public Notice
- Map of the area
- Copies of representations of objections and support in the form of email or letter
- Copy of previous Premises Licence
- Copies of minutes for the Summary Review from Licensing Sub Committee of 29<sup>th</sup> January 2019
- Copy of Directors on Companies House for CK Entertainments Ltd.