

Report to the Licensing Sub Committee

Date of meeting: 16th May 2023

Subject: Application for a new premises licence - The Palace Banqueting Suite, Town Mead, Brooker Road, Waltham Abbey, Essex, EN9 1JH.



Responsible Officer: Hannah Gould, Licensing Compliance Officer

Democratic Services:

Decisions Required:

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

Report:

Application

ARCHPL Ltd. on behalf of **Hasan Kartal** have applied for the grant of a new Premises Licence in respect of **The Palace Banqueting Suite, Town Mead, Brooker Road, Waltham Abbey, Essex, EN9 1JH.**

The application was received on the 3rd April 2023. Originally the application sought the following licensable activities and hours as detailed, in the application:

- **Provision of live & recorded music, provision of performances of dance*** –
Sunday to Friday 23:00 to 00:30
Saturday 23:00 to 04:00
- **Supply of alcohol** –
Sunday to Friday 11:00 to 00:30
Saturday 11:00 to 04:00
- **Opening hours** –
Sunday to Friday 11:00 to 01:00
Saturday 11:00 to 04:30

However, during the consultation period, the applicant has confirmed that they wish to amend the application by reducing the timings for the licensable activities on Saturdays and to agree additional conditions recommended by Essex Police and the councils Community Resilience Team.

Accordingly, the amended application now being considered by the Licensing Sub-Committee is as follows:

- **Provision of live & recorded music, provision of performances of dance*** –
Sunday to Monday 23:00 to 00:30
- **Supply of alcohol** –
Sunday to Monday 11:00 to 00:30
- **Opening hours** –
Sunday to Monday 11:00 to 00:30

* As per the Live Music Act no licence is required for:

- Amplified live or recorded music - in licensed premises where alcohol is supplied, for audiences up to 500 between the hours of 8am and 11pm.
- Unamplified live music - anywhere and with no audience limit between the hours of 8am and 11pm.
- Performance of dance – anywhere for audiences up to 500 between the hours of 8am and 11pm.

Responsible Authorities and other persons who made a representation were notified of the reduced hours now being applied for.

Licensing Act 2003

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—

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

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

Consultation

The consultation period ran from the 4th April 2023 to the 1st May 2023.

All Responsible Authorities received a copy of the application and are aware of the amended hours.

The application was advertised at the premises and in the local newspaper. All residents and businesses within 150 metre radius were also informed by letter.

The authority has received: 29 representations from local residents. The representations relate to all of the licensing objectives and are attached to this report.

During the consultation period the applicant has agreed conditions with Essex Police and the councils Community Resilience Team, the agreed conditions can be found attached to the report.

Essex County Fire & Rescue Service audited the application and based on the information submitted, do not anticipate any additional risk to the public. This is attached also.

Guidance Issued by the Secretary of State

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

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 premise's 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 the premises licence
- Revised times
- DPS consent
- Plan of the premises
- Blue Notice
- Newspaper advert
- Agreed conditions from Essex Police
- Agreed conditions from EFDC Community Resilience Team
- Objections from residents
- Response from Essex Fire
- Map of the area