

Report to the Licensing Sub-Committee

Date of meeting: 7th March 2023

Subject: Licensing Act 2003- Application for a Premises Licence for Barbarossa, 275 High Street, Epping, Essex, CM16 4DA



**Epping Forest
District Council**

Responsible Officer: Debbie Houghton, Licensing Officer 01992 564336

Democratic Services Officer: A Hendry (01992 56 4246)

Decisions Required:

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

Report:

Application

An application has been made by Gulcan Pelut, for a new premises licence at 275 High Street Epping Essex CM16 4DA.

The application is for the following licensing activities,

1. **The Provision of Late Night Refreshment**
Sunday to Thursday 23.00 – 23.30, Friday to Saturday 23.00 – 00.30
 - **The Sale by Retail of Alcohol**
 - Sunday to Thursday 11.30 – 23.00, Friday and Saturday 11.30 – 00.00am
 - **Alcohol for consumption with food only**

2. The application was received and valid on the 20th January 2023

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 and Newspaper advert are attached to this report.
- 6 All residences and businesses within 150 meters radius of the premises were individually consulted.
- 7 The authority has received 2 representations of objection 1 from a local business and 1 from a local resident, please see emails attached.
- 8 A response from Essex Police with recommendations has been agreed by the applicant, these conditions are attached to this report and listed below

a) A staff member will be on duty during the hours of business who can download images, b) Refusal register is to remain at the premises for inspection, c) Register to include staff training dates, what training topics were provided & refresher date required

- 9 The Objections relates to Public Safety, Prevention of Public Nuisance, and Crime and Disorder, Copies of the objections are attached to this report
- 10 Comments from our Planning department are included below, the applicant has agreed to the reduction of hours as per the restricted planning condition below

It appears that this premises is subject to a planning condition restricting the hours of use between 08:00 to 22:00 M-F, 08:00 to 23:00 Sat and 08:00 to 21:00 Sun and BH (cond 6 of EPF/1245/21), so they will need to apply to vary this condition if they want to open later.

Guidance Issued by the Secretary of State

- 11 The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
- 12 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
- Newspaper advert and Public Notice
- Copies of the representations/comments in the form of emails