

Report to the Licensing Committee

Date of meeting: 1 August 2023

**Subject: Application to vary a Premises Licence in respect of
The Standard, 126 High Road, Loughton, IG10 4BE**



**Epping Forest
District Council**

**Responsible Officer: Handan Ibrahim
Licensing Compliance Officer**

Democratic Services: V Messenger (democraticservices@eppingforesdc.gov.uk)

Recommendations/Decisions Required:

To determine the application for a variation of an existing Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by Peach Entertainment Ltd for a variation to the Premises Licence in relation to The Standard, 126 High Road, Loughton, IG10 4BE. The Authority received the application on 25th May 2023. A copy of the existing licence for the premises, the application for variation and the public notice are attached.
2. The application is to add and remove conditions attached to the Premises Licence as detailed below, following consultation with Essex Police Licensing and Environmental Health Community Resilience Team. The application seeks to remove the following conditions from their Premises Licence under Annex 2, conditions 7, 9, 11, 12, 13, 14, 18, 21 and 22. The conditions are listed below:

The prevention of Crime & Disorder

7. Door supervision by SIA licensed door supervisors must be provided each Friday and Saturday where licensable activity takes place. A minimum of 2 door supervisors must be on duty from 21:00 hours whilst the premises is open and for 60 minutes after the premises has closed.

9. SIA licensed door supervisors shall supervise any queue to enter the premises which forms outside the premises.

11. Section 177A of the Licensing Act 2003 is to have no effect and both live and recorded music are to be treated as regulated entertainment. *This condition specifically exempts the premises from the deregulation of music *

12. There shall be no playing of recorded music, other than as incidental background music.

13. No live amplified music shall be played after 22:00 hours on any day.

Public Safety

14. After 21:00 hours on any day, drinks must only be served only in polycarbonate/plastic/and/or toughened glass containers save for drinks consumed at a table with a substantial meal.

The prevention of public nuisance

18. No use shall be made of the terrace area other than for access.

21. After 23:00 hours no persons shall be admitted or re admitted to the premises, save for persons who have temporarily left the premises (eg. To smoke)

22. An automatic sound control device(s) must be installed and used for amplified music. The device(s) must be set so that the volume of any amplified sound emanating from the premises does not cause nuisance to residents nearby.

They have offered to replace the conditions being removed with the following:

The prevention of Crime & Disorder

1. The need for the use of SIA-registered door staff at the premises will be subject to the premises' own risk assessment, with cognisance being taken of Police advice with regards to it.
2. There shall be no sporting events shown at the premises.
3. Toughened glass will be used at all times within the premises with the exception of wine, champagne and gin glasses, save for drinks consumed at a table with a substantial meal.

The prevention of Public Nuisance

1. Noise limiter
 - i. The limiter must be set at a level agreed in consultation with an authorised Community Resilience Team Officer;
 - ii. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Officer and access shall only be by persons authorised by the Premises Licence holder;
 - iii. The limiter shall not be altered without prior written agreement from the Community Resilience Team;
 - iv. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Community Resilience Team; and
 - v. No additional music generating equipment shall be used on the Premises without being routed through the sound limiter device.
2. No use shall be made of the terraced area (roof garden) other than for access until such time as appropriate planning permission is in place.
3. A minimum of 28 dining covers will be made available at all times on the terraced area (roof garden).
4. Last orders for sale of alcohol shall be 22:30 for those customers being served on the terraced area (roof garden).
5. Regulated entertainment in the form of amplified music shall cease at 23:00 hours within the terraced area (roof garden).
6. The terraced area (roof garden) shall be cleared of and closed to members of the public by 23:30.

Licensing Act 2003

3. When considering an application for a licence the licensing authority must have regard to the promotion 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 properly advertised at the premises and in a local newspaper. A copy of the Blue Notice and Newspaper advert is attached to this report.
6. All residences and businesses within 150 metres radius of the premises were individually consulted.
7. The authority has received one representation from Loughton Town Council and 8 representations from local residents. Our Community Resilience Team have agreed a revision with the applicant to amend Condition 5 set out above under The Prevention of Public Nuisance to read "Only incidental/background music shall be played on the terraced area (roof garden) and is to cease at 23:00 hours". A copy of the agreed condition is also attached.
8. The representations relate to The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and 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 2.31 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:
 - to modify the conditions of the licence; or
 - to reject the whole or part of the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

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
<https://www.gov.uk/government/publications/explanatory-memorandum-revised->

[guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2022-accessible](https://www.eppingforestdc.gov.uk/guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2022-accessible)

- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- Application for variation of Premises Licence
- A copy of the Premises Licence
- Copy of the blue notice
- Newspaper advert
- Email from Community Resilience with agreed revised condition 5
- Representation from Loughton Town Council
- 8 representations from local residents
- Map showing the area