

Report to the Licensing Committee

Date of meeting: 4 September 2012

**Subject: Fifteen (The Wheatsheaf), 15 York Hill, Loughton,
Essex IG10 1RL**

**Responsible Officer: Kim Tuckey 01992 564034
Senior Licensing Officer**

Democratic Services: Adrian Hendry



**Epping Forest
District Council**

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 Annells & Brooks Leisure Ltd, the Premises Licence Holder, to vary the premises licence for the above premises. The Authority received the application on 19th July 2012. The application sets out the varied licensing activities applied for and times requested. A copy of the Application to vary a Premises Licence, the present licence for the premises and the public notice are attached.
2. The applicant is requesting to add recorded music and to extend the licence times (these are shown on the variation application)
3. Section F M & O of the application for variation amends the Operating Schedule of the premises licence and sets out one new condition which will be attached to the licence if this application is granted.

Licensing Act 2003

4. 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.

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

Consultation

6. The Responsible Authorities have received a copy of the application which was properly advertised at the premises and in a local newspaper
7. The authority has received the following representations other than those from

Authorised Persons and Responsible Authorities:

- Loughton Town Council in respect of all four of the licensing objectives
- Loughton Residents Association in respect crime and disorder, public nuisance and the protection of children from harm.
- The Hill's Amenity Society – on the grounds of public nuisance
- Cllrs Caroline Pond and John Markham – Loughton St. John's Ward – on the grounds of crime and disorder, public safety and public nuisance
- Twenty three emails of objection on behalf of thirty objectors.

8. The applicant has agreed conditions with Essex Police and are attached with the letter

9. Representations have also been made by:

- the Planning Authority on the grounds of public nuisance, and
- the Council's Neighbourhood Team on the grounds of public nuisance. A letter was sent to the company on 20th July setting out suggested conditions

No agreement has been made with either of these parties

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 of the Licensing Act 2003.

11. Paragraph 8.62 of the Licensing Act guidance starts the section which applies to the Variation of licensing hours. Section 2 sets out the licensing objectives

Options

12. 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.

13. 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. At present the licence is subject only to the Mandatory Conditions and in the application the Applicants have offered a condition for challenge 21. The company has agreed further conditions with the Essex Police which includes a challenge 25 policy.

15. Further conditions have been requested by the Planning Authority and the Council's Neighbourhood Team.

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
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary>
- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>
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Attached documents

- Application to Vary the Premises Licence
- A copy of the current Premises Licence
- Representations
- Map showing the area