

Supplementary Committee Agenda



**Epping Forest
District Council**

Licensing Sub-Committee Monday, 17th July, 2017

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 10.00 am

Democratic Services: G Woodhall (Direct Line 01992 564470)
Email: democraticservices@eppingforestdc.gov.uk

4.b Temporary Event Notice - The Sun Inn, Common Road, Nazeing (Pages 3 - 14)

(Director of Neighbourhoods) Please disregard the last report on Sun Inn and use this amended one instead.

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Report to the Licensing Sub Committee

Date of meeting: 17th July 2017

Subject: The Sun Inn Nazeing Common Nazeing EN9 2DE

**Responsible Officer: Kim Tuckey
Licensing Manager**

Democratic Services:



**Epping Forest
District Council**

Decisions Required:

To determine the application for a Temporary Event Notice under the Licensing Act 2003

Report:

Application

1. An application has been made by Mr Robbie Burgess a Temporary Event Notice at The Sun Inn, Common Road, Nazeing, EN9 2DE. The application is for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The application was received on the 28th June 2017.
2. The Application form sets out the following.
3. For the sale of alcohol, the provision of regulated entertainment and late night refreshment in the garden area of the premises from 12:00 to 23:30. The garden area of these premises currently falls outside the licensed area.

Introduction

The council has received an objection notice from the Responsible Authority for Environmental Health against the grant of the TEN. The licensing authority must hold a hearing to consider the objection notice under section 105 of the Licensing act 2003.

Consultation

Essex police and the Responsible Authority for Environmental Health were consulted.

The authority has received a representation from the environment and neighbourhoods manager (Mr Richard Gardinder), which are attached in annex 1.

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.

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.

Options

The Panel have three options:

- allow the notice
- allow the notice and duplicate conditions on the premises licence (if they are deemed relevant to the objection)
- reject the notice

Guidance and Policy

The Panel should consider the application in line with:

- The Licensing Act
- Guidance issued under Section 182 of the Licensing Act 2003
- Regulations issued under the Licensing Act 2003
- The Councils Statement of Licensing Policy

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
- Copy of existing licence
- Map of the area
- Objection from Richard Gardiner

PREMISES LICENCE

Part A



Premises licence number:

LN/210001492

Part 1 – Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:

The Sun Inn
Nazeing Common
Nazeing

Post Town: Waltham Abbey | Post code: EN9 2DE

Telephone number: 01992 893257

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence:

Films,
Indoor Sporting Events,
Live Music,
Recorded Music,
Making Music,
Provision of late night refreshment, and
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Recorded Music/ Films and Indoor Sporting Events:

Sunday - Thursday: 10.00am – 12.30am

Friday – Saturday: 10.00am – 01.30am

*(Non Standard Timings: 10.00am New Years Eve – 01.30 New Years Day
10.00am Christmas Eve – 01.30 Christmas Day)*

Making/ Live Music:

Sunday - Thursday: 10.00am-23.00pm

Friday - Saturday: 10.00am – 00.00am

*(Non Standing Timings: Making Music: 10.00am New years Eve – 01.30am New Years Day
10.00am Christmas Eve – 01.30am Christmas Day
Live Music: 10.00am New Years Eve - 00.30am New Years Day
10.00am Christmas Day – 00.30am Christmas Day)*

Late Night Refreshment:

Sunday – Thursday: 23.00pm – 00.30am

Friday – Saturday: 23.00pm – 01.30am

*(Non Standard Timings: 10.00am New Years Eve - 01.30 New Years Day
10.00am Christmas Eve - 01.30 Christmas Day)*

Supply of Alcohol:

Sunday- Thursday: 10.00am – 00.00am (Midnight)
Friday – Saturday: 10.00am – 01.00am
(Non Standard Timings, 10.00am New Years Eve – 01.00 New Years Day
10.00am Christmas Eve – 01.00 Christmas Day)

The opening hours of the premises:

Sunday – Thursday: 10.00am – 00.30am
Friday – Saturday: 10.00am – 01.30am
(Non Standard Timings: 10.00am New Years Eve to 01.30 New Years Day
10.00am Christmas Eve to 01.30 Christmas Day)

Where the licence authorises supplies of alcohol whether these are on and / or off supplies: On & Off

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

McMullen & Sons Limited
26, Old Cross
Hertford
Hertfordshire
SG14 1RD

01992 584911

ssheahan@mcmullens.co.uk

Registered number of holder, for example company number, charity number (where applicable):
51456

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Paul Frank Gould
The Sun Inn
Nazeing Common
Nazeing
Waltham Abbey
EN9 2DE

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:
Horsham Council 176/05/0499

Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule:

The Prevention of Crime and Disorder.

- Disruptive customers, known drug dealers/users entering the premises will be refused service and will be asked to leave.
- There will be no serving of drunks.
- The premises will be a member of the local 'Pubwatch' scheme and there will be appropriate liaison with the local licensing officer.

Public Safety

- The premises will adhere to current health and safety and fire safety regulations.
- The DPS will ensure that fire exit doors are not locked and the fire escapes are kept clear.
- All fire safety equipment is to be regularly checked and maintained as per the manufacturers recommendations.
- There will be a fully maintained first aid kit on site.

Prevention of Public nuisance

- The premises license holder will ensure all bar staff are trained in relation to the legislation to the sale of alcohol to drunken persons.
- The DPS or his/her deputies will ensure that all tables are cleared of glassware regularly and will monitor customers to ensure glasses/bottles are not taken from the premises.

The Protection of children from harm

- Children less than 18 years old will not be allowed into the premises after 2200 hours. Unaccompanied children before 2200 and any persons after 2200 hours suspected of being under 18 years old will be asked for identification.
- All AWP's and cigarette machines will be sited in view of the bar so that their usage can be monitored and controlled.
- Signs on the machines will indicate that children under the age of 18 are forbidden using them.
- The premises will not show videos or TV transmissions that are unsuitable for children under 18 years under 18 years of age before 2200 hours.

Annexe 3 – Conditions attached after a hearing by the licensing authority:

N/A

Annexe 4 – Plans:

Plans held at Epping Forest District Council

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