

Report to the Licensing Sub Committee

Date of meeting: 15th June 2021

**Subject: The Farmhouse Essex. Netherhouse Farm,
Sewardstone Road, Waltham Abbey, E4 7RJ**



**Epping Forest
District Council**

Responsible Officer: Hannah Gould, Licensing Compliance Officer

Democratic Services: Adrian Hendry

Decisions Required:

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

Report:

Application

An application has been made by Teejay Asciak of Hungry Hampers Ltd. for a new premises licence at The Farmhouse Essex. Netherhouse Farm, Sewardstone Road, Waltham Abbey, E4 7RJ

The application of this Premises Licence seeks to carry on the following activities:

On and off sales of alcohol

Sunday – Thursday 09:00 – 23:00 and

Friday – Saturday 09:00 – 00:00

Opening Hours

Sunday – Thursday 09:00 – 23:00 and

Friday – Saturday 09:00 – 00:00

The previous licence at the premises lapsed as the premises licence holding company, known as Farmfood Events Limited, entered liquidation on 18th February 2020; and the permitted time allowed under the Licensing Act 2003 to transfer the licence or apply for an interim authority had passed. Teejay Asciak was also the director of the previous licence holder company.

- 1** The application was received on the 6th May 2021
- 2** The Operating Schedule sets out conditions which will be attached to the licence, if this application is granted.

Licensing Act 2003

- 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—

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- 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.
- 6 It was advertised at the premises and in the local newspaper. All residents and businesses within 150 metre radius were also informed by letter.
- 7 Conditions proposed by Essex Police have been agreed by the applicant.

Conditions proposed by the authorities Community Resilience team were not fully agreed by the applicant and therefore their representation stands.

The authority has received 5 resident objections which relate to the following licensing objectives; Public Safety, Public Nuisance, Crime & Disorder.

The authority has received 1 objection from a solicitor, acting on behalf of the landlord of the premises which raises concerns over the prevention of Crime & Disorder.

Responses were received from Essex Fire and Rescue, Child Protection Services, Planning and Trading Standards who had no comment.

All details are attached.

Guidance Issued by the Secretary of State

- 8 The Licensing Act 2003 provides that the licensing authority must 'have regard to guidance issued by the Secretary of State under section 182.
- 9 Sections 2.1 to 2.31 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 the premises licence
DPS consent
Plan of the premises
Blue Notice
Newspaper advert
Conditions agreed with Essex Police
Conditions/representation from Community Resilience
Objections from residents
Objection from the landlord
Responses from Essex Fire and Rescue, Trading Standards & Child protection /
Safeguarding
Map of the area