Report to the Licensing Sub-Committee

Date of meeting: 12 January 2016

Epping Forest District Council

Subject: **Il Bacio, 19B Forest Drive Theydon Bois, Epping CM16 7EX**

Responsible Officer: **Nuala Clark   (01992 564340)**
                                (Licensing Compliance Officer)

Democratic Services: Gary Woodhall   (01992 564470)

Decisions Required:

(1))   To determine the application for a variation to the Premises Licence under the Licensing Act 2003.

Report:

Application

1…   An application has been made by Mr Luigi Funedda for a variation to the above premises, which is to include the front and side terrace of the restaurant to come within the area for licensable activity and to update the existing licensing plan accordingly. The application was received on the 17/11/2015.

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:

   (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 also advertised at the premises and in a local newspaper.

6…   All residences and businesses within 150 meters radius of the premises were individually consulted.

7…   The authority has received 11 representations, one from the Police, one from the Environment Team and 9 local residents, which are also attached. A response has also been received from Essex Fire Service who have no objections.

8…   The Objections relate to the prevention of public nuisance, the protection of children from harm and public safety.

<u>Guidance Issued by the Secretary of State</u>

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 2.6 to 2.30 of the Guidance are relevant to this application.

<u>Options</u>

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:

(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.

<u>Determination</u>

12…   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.

<u>Appeal</u>

13…   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:

- Current premise licence.

- Application for premises licence variation.

- Plan of the premises to include the outside areas.

- Newspaper advert.

- Map of the area.

- Letters from the Essex Fire & Rescue.

- Letters of objections from Police, Environment Team and local residents.