

# **Report to the Licensing Sub-Committee**



**Epping Forest  
District Council**

**Date of meeting: 1 March 2016**

**Subject: Molens Café/Restaurant, 209D/E High Road,  
Loughton, IG10 1BB**

**Responsible Officer: Lindsey Turner (01992 564182)**

**Democratic Services: Gary Woodhall (01992 564470)**

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## **Recommendations/Decisions Required:**

**(1) 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 Enki Design on behalf of Molens Café/Restaurant. The Premises Licence Holder is Mr. Mustafa Timur. The authority received the application on 9 January 2016. The application sets out the varied licensing activities applied for and times requested. (A copy of the present licence for the premises, detailed plans of the application for variation and the public notice are attached).

2. The applicant is requesting a licensing variation to the premises layout which has been extended to the rear with a single storey extension to provide customers seating area for dining. The extension also provides toilet facilities. There has been an outbuilding built at the rear of the property to provide storage, cold rooms and customers smoking area.

3. Sections L and M of the application for variation amends the Operating Schedule of the premises licence and sets out some new conditions 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. All The Responsible Authorities have received a copy of the application; it was properly advertised at the premises and in a local newspaper.

7. The authority has received representation[s] from Essex Police (however during the

consultation period the applicant and Essex Police have negotiated conditions which are attached to this report), Loughton Town Council and four local residents. No other comments were received.

8. The representations relate to 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 2.14 to 2.20 and Sections 2.21 to 2.30.

#### 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.

12. 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

13. 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

14. 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 for the variation of the premises licence
- A copy of the Premises Licence

- Detailed Plans
- Copy of the notice
- Representation from [Interested Parties/Responsible Authorities ]
- Map showing the area