

## **Report to the Licensing Committee**



**Date of meeting: 19 September 2016**

**Epping Forest  
District Council**

**Subject: Summary Review of Premises Licence  
Il Bacio, 19B Forest Drive, Theydon Bois, CM16 7EX**

**Responsible Officer: Nuala Clark – Licensing Compliance Officer**

**Democratic Services Officer: Jackie Leither**

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### **Decision Required:**

- 1. To determine an application for a Summary Review of the Premises Licence and to consider relevant representations as a result of the review application**

### **Report:**

1. On 28<sup>th</sup> July 2016 an application for a Summary Review of a Premises Licence under Section 51 of the Licensing Act 2003 was received from Essex Police in respect of a Premises Licence issued to Mr Luigi Funedda.
2. A copy of the application for a summary review Section 51 was served on the holder of the Premises Licence and all responsible authorities.
3. The application was advertised in accordance with Section 51 of the Licensing Act 2003 and Regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, thereby inviting representations to be made by responsible authorities and interested parties. Any representations had to be received by the Licensing Authority by 24<sup>th</sup> August 2016
4. A copy of the application for review is attached at Appendix A. Also attached at Appendix B is a location map showing the premises and surrounding area.
5. Appendix C relates to the letter of support received from Mr D Hirst in support of the police review. Appendix D relates to the letter dated from Mr Funeda's solicitors which gives his representation against the review.

### **Current Premises Licence**

- 6 A copy of the current Premises Licence which includes conditions is attached at Appendix E.

### **Grounds for Review**

- 7 The application for review relates to the following licensing objectives:

- The Prevention of crime and disorder.
- Public safety.

### **Relevant Representations**

- 8 All responsible authorities have received a copy of the application for review and the Licensing Authority has not received any representations from any Responsible Authority.

- 9 The Licensing Authority has however received 1 representation in support of the review from interested parties relating to the following licensing objectives:

- The prevention of crime and disorder.
- Public Safety.
- The prevention of public nuisance.

- 10 In making its decision the Licensing Authority must take account of relevant representations from interested parties. Interested parties are defined as:

- a person living in the vicinity of the premises,
- a body representing persons who live in that vicinity
- a person involved in a business in that vicinity, and
- a body representing persons involved in such business.

- 11 The Licensing Authority should provide the applicant with copies of relevant representations that have been made. whether it wishes to consider these representations but must be satisfied that there are circumstances which justify the action and that the complaints are not vexatious or frivolous.
12. The Premises Licence Holder, the applicant for the review and all interested parties have been invited to attend this hearing and will be given the opportunity to address members

### **Legal Considerations**

- 13 The decision must be taken following consideration of the representations received with a view to promoting the four licensing objectives which are:
  - Prevention of crime and disorder.
  - Public safety.
  - Prevention of public nuisance.
  - Protection of children from harm.

### **Options**

- 14 In the case of a review of a Premises Licence the Licensing Sub-Committee has the following options:
  - To modify the Conditions of the Premises Licence.
  - To exclude from the Licence a licensable activity.
  - To remove the Designated Premises Supervisor.
  - To suspend the Licence for a period not exceeding 3 months.
  - To revoke the Licence.
  - To leave the Licence in its existing state.

## **Determination of the Application**

15 Members are invited to determine this application following consideration of the evidence presented to them.

## **16 RIGHT OF APPEAL**

If any party is aggrieved with the decision on the grounds set out in schedule 5 of the Licensing Act 2003 they can appeal to a Magistrates court. Such appeals are by way of a re-hearing. The appeal period is 21 days from the notification of the decision

## **Background Papers:**

- Application for Review.
- Relevant Representations.
- Licensing Act 2003 (Summary Review of Premises Licences) Regulation 2007.
- Licensing Act 2003.
- Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).
- Expedited/Summary Licence Reviews Guidance – October 2007.
- The Authority's Licensing Policy

## **Attached Documents:**

Appendix A: Review application from Essex Police

Appendix B: Location map

Appendix C: Letter in support of the review from Mr Hirst

Appendix D: Letter from Mitchell Solicitors representatives of Mr Funeda confirming his representation against the review.

Appendix E: Current premises licence with conditions.