

Report to the Licensing Sub-Committee

Date of meeting: 3 April 2018



**Epping Forest
District Council**

**Subject: New Premises Licence application – Belgique
Theydon Bois Ltd, 14 Forest Drive, Theydon Bois, Essex,
CM16 7EY**

**Responsible Officer: Denise Bastick (Licensing Compliance Officer)
Democratic Services: Rebecca Perrin**

Decisions Required:

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

Report:

Application

1. An application has been made by Belgique Theydon Bois Ltd for a new premises licence at 14 Forest Drive, Theydon Bois, Essex, CM16 7EY. The application is for a new premises licence to include the sale of alcohol both on and off Monday to Sunday 08:00 to 18:00 and recorded music Monday to Sunday 08:00 to 18:30. The application was received on the 15th February 2018.
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 one representation from the Parish Council and three representations from local residents, which are also attached. Responses have been received from The Police and the Essex Fire Service, the Planning Department and the Public Health Department who have no objections. The Police have agreed conditions with the applicant, which are also attached.
- 8 The Objections relate to the prevention of public nuisance, crime and disorder, the protection of children from harm and public safety.

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 2.1 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 premises licence
- Plan of the premises
- Newspaper advert
- Map of the area
- Public Notice
- Correspondence from Essex Police (agreed conditions), Essex County Fire and Rescue Service and Public Health
- One letter of objection from Theydon Bois Parish Council
- Two objection emails from local residents