

# **Report to the Licensing Committee**

**Date of meeting: 23<sup>rd</sup> July 2018**

**Subject: Application to vary a premises Licence for Molen's Café, 209 D/E High Road, Loughton, London, IG10 1BB**



**Epping Forest  
District Council**

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**Responsible Officer: Handan Ibrahim  
Licensing Compliance Officer**

**Democratic Services: Adrian Hendry**

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## **Recommendations/Decisions Required:**

**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 Mr Mustafa Timur, the Premises Licence Holder for a variation to the premises licence for the above premises. The authority received the application on 7<sup>th</sup> June 2018.
- 2.** The proposed variation is for the supply of alcohol extended to the newly erected conservatory and for the sale of alcohol time to be reduced from 23:00 to 18:00. The application sets out the following: Supply of Alcohol Monday to Saturday 10:30-18:00, Sunday 10:30 to 17:00. Hours premises are open to the public Monday to Saturday 07:00-18:00, Sunday 09:00-17:00.
- 3.** A copy of the present licence for the premises, detailed plans the application for variation and the public notice are attached.
- 4.** Section [E, F& J] 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**

- 5.** 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.
- 6.** It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

## Consultation

7. The Responsible Authorities have received a copy of the application, it was properly advertised at the premises and in a local newspaper
8. The authority has received a representation from a local resident.
9. The representation relates to The prevention of Public Nuisance.

## Guidance Issued by the Secretary of State

10. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
11. Sections 2.15-2.21 of the Guidance are relevant to this application.

## Options

12. 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.

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

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  
<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

- A copy of the premises Licence
- Application for premises licence

- Detailed Plans
- Copy of the notice
- Newspaper advert
- Representation from local resident
- Map showing the area