

# **Report to the Licensing Sub Committee**

**Date of meeting: 6<sup>th</sup> November 2018**

**Subject: Application for a new Premises Licence – Gem of Essex, Connaught House, 112/120 High Road, Loughton, IG10 4HJ**



**Epping Forest  
District Council**

**Responsible Officer: Denise Bastick  
Licensing Compliance Officer**

**Democratic Services: Adrian Hendry**

---

## **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 Mr Cemal Albay for a new premises licence for a restaurant at Connaught House, 112/120 High Road, Loughton, IG10 4HJ. The application is for a new premises licence to include the provision of recorded music Monday to Thursday 08:00 to 23:00, Friday to Saturday 08:00 to 23:30 and Sunday 08:00 to 22:30, the sale of alcohol Monday to Thursday 12:00 to 23:00, Friday to Saturday 12:00 to 00:00 and Sunday 12:00 to 22:30 and hours the premises will be open to the public Monday to Thursday 08:00 to 23:00, Friday to Saturday 08:00 to 00:00 and Sunday 08:00 to 22:30. The application was received on the 20<sup>th</sup> September 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.

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

### **Consultation**

4. The Responsible Authorities have received a copy of the application, it was also advertised at the premises and in a local newspaper. The Licensing Department requested the applicant to amend the wording of the initial newspaper advertisement printed on 27<sup>th</sup> September 2018 and the amended advertisement appeared in the 4<sup>th</sup> October 2018 edition.

5. All residences and businesses within 150 meters radius of the premises were individually consulted.
6. The authority has received a representation from Loughton Town Council and two representations from local residents, which are also attached. A response has been received from Essex Police, who have agreed with the applicant to add conditions. Environmental Neighbourhoods Team, Child Protection and Trading Standards have no objections.
7. The Objections relate to the prevention of public nuisance and crime and disorder.

### **Guidance Issued by the Secretary of State**

8. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
9. Sections 2.1 to 2.6 and 2.15 to 2.21 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
- Blue Notice
- Public Notice
- Map of the area
- Email from Essex Police with agreed conditions to be added
- Email of objection from Loughton Town Council
- Two emails objections from local residents