

Report to the Licensing Committee

Date of meeting: 12 December 2018



**Epping Forest
District Council**

**Subject: Application to vary an existing premises Licence for
The Merry Fiddlers, 4 Fiddlers Hamlet, Epping, Essex, CM16
7PY**

Responsible Officer: Debbie Houghton (Licensing Officer) 01992 564721

Democratic Services: R. Perrin (01992 564532)

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 Punch Partnerships (PTL) Ltd, the Premises Licence Holder for a variation to the premises licence for the above premises. The authority received the application on 29th October 2018. The application sets out the varied licensing activities applied for and times requested. A copy of the present licence for the premises, detailed plans and the application for variation

2. The applicant is requesting to extend the opening times for non licensable activities to enable the premises to have flexibility to open earlier to provide the sale of tea/coffee and breakfasts. The applicant is also amending the plan to allow the outside area to be covered for licensable activities. See plan attached to the report.

3. Monday to Saturday 06.00 – 00.30 Sunday 06.00 – 23.00

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. The Responsible Authorities have received a copy of the application, it was properly advertised at the premises and in a local newspaper, a copy of the newspaper advert and the Public notice are attached to the report.

7. The authority has received 1 representation from a local councillor.

8. The representation relates to the Prevention of Public Nuisance.

- There has been a response from Essex Police to amend the existing operating schedule to include CCTV and an age verification policy such as Challenge 25. This has been agreed with the applicant, see emails attached to the report.
- There has also been a response from Epping Town Council requesting due consideration be given to residents for larger events, see email attached to this report.
- Public Health responded but made no representations, see email attached to this report.

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 2.1-2.6 and 2.15-2.21 of the Guidance are relevant to this application.

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.

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>

Attached documents

- A copy of the variation application
- A copy of the existing premises licence.
- Detailed Plans
- Copy of the notice

- Newspaper advert
- Representation from local councillor
- Agreed conditions to the operating schedule from Essex Police.
- Copy of email from Epping Town Council
- Copy of email from Public Health