

# **Report to the Licensing Sub-Committee**

**Date of meeting: Monday 18<sup>th</sup> March 2019**

**Subject: New Premises Licence application for Il Baccio, 19b Forest Drive, Theydon Bois, Epping, Essex, CM16 7EX**

**Responsible Officer: Debbie Houghton, Licensing Officer**

**Democratic Services: Jackie Leither**



**Epping Forest  
District Council**

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## **Decisions Required:**

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

## **Report:**

### **Application**

An application has been made by S and F Catering Ltd, c/o Connect Accounting rear of Raydean House, 15 Western Parade, Barnet, Herts, EN5 1AH, for a new premises licence at Il Baccio, 19b Forest Drive, Theydon Bois, Epping, Essex, CM16 7EX.

The application is for the following licensing activities,

- 1 The Sale by Retail of Alcohol on the Premises only**  
Monday to Sunday 11.00 – 23.00

**Opening Times of the Premises**  
Monday to Sunday 11.00 – 23.00

- 2** The application was received on the 24<sup>th</sup> January 2019.

The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

- 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**

- 1 The Responsible Authorities have all received a copy of the application, it was also advertised at the premises and in a local newspaper. A copy of the Blue Notice and Newspaper advert is attached to this report.
- 2 All residences and businesses within 150 meters radius of the premises were individually consulted.
- 3 The authority has received 3 representations, 1 from Epping Forest District Council Environmental Health, 1 from Theydon Bois Parish Council and 1 from a local resident, see emails and copies of letters attached.
- 4 There were no other responses or representations.
- 5 The Objections relate to the Prevention of Crime and Disorder, Prevention of Public Nuisance, and Public Safety and The Protection of Children from Harm.
- 6 There was a previous premises licence held at this premises but this licence lapsed on the 17<sup>th</sup> January 2019 due to the previous licence holder being the subject of a Bankruptcy Order which prevented him from remaining as a premises licence holder. This is why there is now a new application.
- 7 The agent acting for the applicant on this new application has copied some of the conditions from the previous licence and submitted them as part of the Operating Schedule, a copy of the previous premises licence is attached to this report.

## **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 2.15 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 a Premises Licence.
- Plan of the premises
- Newspaper advert and Public Notice
- Map of the area
- Copies of representations in the form of email or letter
- Copy of previous premises licence