

# **Report to the Licensing Committee**



**Date of meeting: 9<sup>th</sup> July 2019**

**Subject: Application to vary an existing premises Licence for Turkwise, 162 High Street, Ongar, Essex, CM5 9JJ**

**Epping Forest  
District Council**

**Responsible Officer: Debbie Houghton (01992 564336).**

**Democratic Services Officer: Gary Woodhall (01992 564470).**

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## **Decisions Required:**

**To consider the application for a variation of an existing Premises Licence under the Licensing Act 2003**

## **Report:**

### **Application**

1. An application has been made by Mihai Valeriu Chesnoiu, the Premises Licence Holder, for a variation to the existing premises licence for the above premises. The authority received the application on the 29<sup>th</sup> May 2019. The application sets out the varied licensing activities applied for and times requested. A copy of the present licence for the premises, detailed plans the application for variation and the public notice are attached.
2. The applicant is requesting a change of name for the premises to Porterhouse-Wine Bar and Kitchen, and to vary the times of the licensable activities and opening times as set out below.
3. Live Music Friday and Saturday only 18.00 – 00.00(midnight)  
Recorded Music Monday to Sunday 12.00 – 00.00(midnight)  
Late Night Refreshment Monday to Sunday 23.00 – 00.00(midnight)  
The Sale by Retail of Alcohol Monday to Sunday 12.00 – 00.00(midnight)  
Opening hours of the Premises Monday to Sunday 12.00 – 00.00(midnight)

### **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 Public notice is attached to the report.
7. The authority has received 4 representations from local residents
8. The representations relate to. The Prevention of Public Nuisance, The Protection of Children from Harm, The Prevention of Crime and Disorder
  - There was a response from Essex Police who have agreed conditions and recommendations with the applicant, a copy of the agreed conditions is 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>
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### **Attached documents**

- An application to vary the existing premises licence
- A copy of the existing Premises Licence
- Detailed Plans
- Copy of the notice
- Representations from Interested Parties
- Responses from Essex Police
- Map showing the area