

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

**Date of meeting: 17 September 2019**



**Epping Forest  
District Council**

**Subject:** Application for Variation of Premises Licence - Efezade, 12-14 The Broadway, Loughton

**Responsible Officer:** H. Ibrahim (01992) 564153))

**Democratic Services Officer:** S. Tautz (01992) 564180))

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## **Recommendations/Decisions Required:**

**To consider an application for the variation of an existing Premises Licence under the Licensing Act 2003, with regard to Efezade, 12-14 The Broadway, Loughton.**

## **Application**

1. An application has been made by Cuma Erdogan for a variation to the premises licence for Efezade, 12-14 The Broadway, Loughton.
2. The application is for the following licensable activities:
  - (a) hours the premises will be open to the public - Monday to Sunday from 07:30am to 01:00am;
  - (b) supply of alcohol - Monday to Sunday from 10:00am to 01:00am;
  - (c) recorded music - Monday to Sunday from 10:00am to 01:00am; and
  - (d) late night refreshment - Monday to Sunday from 23:00pm to 01:00am.
3. The application was received on 1 August 2019. A copy of the present licence for the premises, the application for variation and the public notice are attached as an appendix to this report.

## **Licensing Act 2003**

4. When considering an application for a licence, the licensing authority must have regard to steps that are appropriate 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. The licensing authority 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 all been consulted with regard to the application, which was properly advertised at the premises and in a local newspaper.

7. The Council has received eighteen representations to the application, from the Council's Environmental Enforcement Team, Loughton Town Council, Loughton Residents Association and local residents. Essex Police and the council's Environmental Health Team have raised no objections to the application.
8. The representations made in respect of the application relate to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
9. The Service Director (Planning Services) has advised that planning permission for a change of use (EPF/3136/16) to A3 use for the application premises currently has a condition that restricts the opening hours for members of the public until 23:00 and that the applicant would need to apply for a variation of the existing planning permission. Whilst the Sub-Committee will be aware that licensing does not take planning legislation into consideration, this information has been passed onto the applicant and is included in this report for information only.

### **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 of the Licensing Act 2003. Sections 2.1 to 2.32 of the Guidance are relevant to this application.

### **Options**

11. In determining the 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 modify the conditions of the licence; or
  - (b) to reject the whole or part of the application.
12. 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**

13. 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**

14. If any party is aggrieved with the decision of the Sub-Committee with regard to the application, they can appeal to the Magistrates Court. The appeal period is twenty-one days from the notification of the decision.

### **Background papers used in the preparation of 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 of the 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.

**Attached documents**

- application for variation of premises licence;
- copy of the premises Licence;
- copy of the public notice;
- newspaper advert;
- representations from the Environmental Enforcement Team, Loughton Town Council, Loughton Residents Association and local residents.
- information received from the Service Director (Planning Services); and
- map showing the area of the application premises.