

Report to the Licensing Sub-Committee

Date of meeting: 7th July 2020

Subject: Licensing Act 2003- Application for a Premises Licence for Smudge Ltd, 26 Revival Court, High Road, Epping, Essex, CM16 4AE



Responsible Officer: Debbie Houghton, Licensing Officer 01992 564336

Democratic Services Officer: Adrian Hendry, 01992 564246

Decisions Required:

To consider an application for a Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by Smudge Ltd, 2nd Floor, Gadd House, Arcadia Avenue, London, Barnet, N3 2JU, for a new premises licence at 26 Revival Court, High Road, Epping, Essex, CM16 4AE.
2. The application is for the following licensing activities,
 - **The Sale by Retail of Alcohol on the Premises only**
Monday to Sunday 12.00 – 23.30pm
 - **The Provision of Recorded Music**
Monday to Sunday 12.00 – 23.30pm
 - **The Provision of Late Night Refreshment**
Monday to Sunday 23.00 – 23.30pm
 - **Opening Times of the premises**
Monday to Sunday 12.00 – 23.30pm
3. The application was received on the 6th March 2020.
4. The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.
5. 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.

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

Consultation

7. 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.

8. All residences and businesses within 150 meters radius of the premises were individually consulted.

9. The authority has received 1 representation from a resident, please see email and a copy of the letter attached.

10. There was a response from Essex Police who having agreed recommendations with the applicant a copy of the email and recommendations are attached to this report. There was also a response from the Safeguarding Team at Essex County Council which the applicant has addressed, please see email attached to the report. Finally a response from Essex Fire and Rescue who have advised the means of escape from the premises are adequate, see letter of response attached with this report.

11. The Objection relates to the Prevention of Crime and disorder, Prevention of Public Nuisance, and Public Safety and The Protection of Children from Harm.

Guidance Issued by the Secretary of State

12. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.

13. 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
- Copies of the representation in the form of email and letter
- Copy of agreed conditions by Essex Police
- Copies of all responses from the Essex Fire and Rescue and Safeguarding Team Essex County Council.