

Report to the Licensing Sub Committee

Date of meeting: 1st September 2020

Subject: Spice Kitchen, 151B Queens Road, Buckhurst Hill, Essex, IG9 5AZ.

Responsible Officer: Hannah Gould, Licensing Compliance Officer

Democratic Services: Jackie Leither



**Epping Forest
District Council**

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 G Licensing Ltd. on behalf of the applicant Shamim Ahmed Khan for a new premises licence at 151B Queens Road, Buckhurst Hill, Essex, IG9 5AZ.

The application is for a new Premises Licence at this hot food takeaway business, to include the Sale of Alcohol for consumption off the premises from Monday - Sunday 11:00 to 23:00, for which the premises opening hours are the same.

- 1 The application was received on the 16th July 2020.
- 2 The Operating Schedule sets out conditions which will be attached to the licence, if this application is granted.

Licensing Act 2003

- 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—
the prevention of crime and disorder;
public safety;
the prevention of public nuisance; and
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

- 5 The Responsible Authorities have received a copy of the application. It was also advertised at the premises and in a local newspaper.
- 6 All residences and businesses within 150 meters radius of the premises were individually consulted.
- 7 The authority has received one representation from Cllr. G Chambers of Buckhurst Hill West and one representation from the Department of Primary Care & Public Health.

Responses have also been received from Essex Police, Trading Standards, Planning and Essex County Fire & Rescue Service, who have no objections.

The Police and EFDC Senior Environmental Enforcement Officer have agreed conditions with the applicant, which are attached.

The objections relate to public safety, prevention of public nuisance and the protection of children from harm.

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 2.1 to 2.31 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 the premises licence
- Plan of the premises
- Newspaper advert
- Blue Notice
- Representation from Cllr. G Chambers of Buckhurst Hill West
- Representation from Primary Care & Public Health.
- Response from Response from Essex County Fire & Rescue Service.
- Email from Peter Jones, Essex Police with agreed conditions.
- Email from Michael Richardson, Senior Environmental Enforcement Officer with agreed conditions
- Map of the area