

Report to the Licensing Sub-Committee

Date of meeting: 3rd November 2020

Subject: Licensing Act 2003 - Application for a Premises Licence for Il Vino, 28 Queens Road, Buckhurst Hill, Essex, IG9 5BY



**Epping Forest
District Council**

Responsible Officer: Peter Jones, Licensing Officer 01992 564721

Democratic Services Officer: Adrian Hendry (01992 564246)

Decisions Required:

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

Report:

Application

An application has been made by Dello Spirito Ltd, The Coach House, Powell Road, Buckhurst Hill, Essex, IG9 5RD for a new premises licence at 28 Queens Road, Buckhurst Hill, Essex IG9 5BY

The application is for the following licensing activities,

1. The Sale by Retail of Alcohol

Monday to Sunday 10:00 – 22:00 Off Sales only

Opening Times of the premises

Monday to Sunday 10:00 – 22:00

2. The application was received on the 23rd September 2020.

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

5. 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.

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

7. The authority has received five (5) representations from members of the public which are attached.
8. There were also responses from Environmental Health, Essex Police, Essex Safeguarding, and Essex Fire and Rescue, all of who have no comments to make, please see letters and emails attached to the report.
9. The Objections relates to Prevention of Crime and Disorder, Prevention of Public Nuisance, and Public Safety.

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.
11. 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 premise's 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 representations
- Copies of all responses from Environmental Health, Essex Police, Essex Safeguarding, and Essex Fire and Rescue