

Report to the Licensing Committee

Date of meeting: 5th January 2021

**Subject: Application to vary a Premises Licence for The Hive,
38b Chigwell Lane, Loughton, IG10 3NY**



**Epping Forest
District Council**

**Responsible Officer: Denise Bastick
Licensing Compliance Officer**

Democratic Services: Jackie Leither

Recommendations/Decisions Required:

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

Report:

Application

1. An application has been made by Ms Sema Yildiz for a variation to the premises licence for the above premises. The authority received the application on 9th October 2020. A copy of the present licence for the premises, the application for variation and the public notice are attached.
2. The applicant is requesting an extension to the current hours for the sale of alcohol from 08:00 to 23:00 Monday to Sunday and a seasonal variation of 08:00 to 00:00 on Christmas Eve and New Year's Eve. Also to add the Provision of Late Night Refreshment from 23:00 to 00:00 on Christmas Eve and New Year's Eve. The standard opening hours of the premises will be 08:00 to 23:00 Monday to Sunday and non-standard opening hours of 08:00 to 00:00 on Christmas Eve and New Year's Eve.

Licensing Act 2003

3. 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.
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 advertised at the premises and in a local newspaper. Whilst the applicant did set out details of the application in the newspaper notice, it only referred to the hours for provision of late night refreshment on Christmas Eve and New Year's Eve and not the seasonal variation hours for those days. Licensing verbally discussed this matter with

one of our legal advisers. As this was a minor omission, it was decided to allow the application to proceed.

6. The authority has received one representation from Loughton Town Council and one representation from Loughton Residents Association Plans Group.
7. The representations relate to the prevention of public nuisance and 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 2.15 - 2.32 of the Guidance are relevant to this application.

Options

10. 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>

Attached documents

- Application for variation of Premises Licence
- A copy of the Premises Licence

- Public Notice
- Copy of the blue notice
- Newspaper advert
- Representations from Loughton Town Council and Loughton Residents Association Plans Group
- Map showing the area