

BROMSGROVE DISTRICT COUNCIL

Licensing Sub-Committee

Date: 20th November 2014

APPLICATION FOR A PREMISE LICENCE UNDER THE LICENSING ACT 2003

Relevant Portfolio Holder	Councillor Rita Dent
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jorden – Head of Worcestershire Regulatory Services.
Wards Affected	St Johns Ward
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider a variation application for a Premise licence for Mamaris Kebab/Istanbul, 33-35 Worcester Road, Bromsgrove, B61 7DN. This application is brought before the Licensing Sub-Committee following receipt of relevant objections.

2. RECOMMENDATIONS

2.1 The Sub-Committee is asked to RESOLVE

whether or not, having regard to the licensing objectives, the Guidance issued under section 182 of the Licensing Act 2003, the District Council's Statement of Licensing Policy, the applicant's proposed Operating Schedule and relevant representations made by responsible authorities;

- 1) To grant or refuse the application, as shown in the application form attached at Appendix 1 to the report.**
- 2) If the Licensing Sub-Committee is minded to approve the application;**
 - a) to attach relevant Mandatory Conditions; and**
 - b) to consider, with due regard to the statutory licensing objectives and the relevant representation received, whether to attach any appropriate conditions.**

3. KEY ISSUES

Financial Implications

- 3.1 The Statutory Fee of £190.00 has been paid, and the application has been duly advertised in accordance to the requirements of the Licensing Act 2003.

Licensing Sub-Committee

Date: 20th November 2014

Legal Implications

- 3.2 The Sub-Committee should have regard to any National Guidance set down under S182 of the Licensing Act 2003 and Bromsgrove District Council's Statement of Licensing Policy.
- 3.3 The Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm.
- 3.4 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 3.5 The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- (a) Grant the application as asked
 - (b) Modify or impose conditions on the licence, by altering or omitting or adding to them.
 - (c) Reject the application.
- 3.6 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 3.7 The Human Rights Act 1998 incorporates human rights under the European Convention into English law. Article 6 provides that, in the determination of a person's civil rights, everyone is entitled to a fair and public hearing. In this respect, third parties whose property rights may be adversely affected and, of course, applicants themselves, should be allowed to address the Committee if they want to.

Service/Operational Implications

- 3.8 An application for a variation of the Premises Licence for Mamaris Kebab/Istanbul, 33-35 Worcester Road, Bromsgrove, B61 7DN, made by Mr Fada Rashid was received by Bromsgrove District Council on the 26th September 2014. The variation seeks to extend Late Night refreshment:

Thursday to Saturday 23:00 – 04:00
Sunday 23:00 – 01:00

The variation application is attached as **Appendix 1**.

Licensing Sub-Committee

Date: 20th November 2014

- 3.9 The premise currently holds a Premise Licence under the Licensing Act 2003 to provide Late Night Refreshment:
Monday to Wednesday 23:00 – 01:00
Thursday to Saturday 23:00 – 03:00
Sunday 23:00 – 00:00

The existing Premise Licence is attached as **Appendix 2**.

- 3.10 The Licensing Authority has received 1 relevant representation objecting to the application, made by West Mercia Police. A copy of the representation from the Police is attached as **Appendix 3**.
- 3.11 Inspector Sarah Corteen of West Mercia Police has been invited to attend the committee.
- 3.12 The representation received relates to the following licensing objectives.
- * The Prevention of Crime and Disorder
 - * The Prevention of Public Nuisance
- 3.13 No objections have been received from any of the members of the Public
- 3.14 A Plan of the location of the premise is attached as **Appendix 4**.

Customer / Equalities and Diversity Implications

- 3.15 None

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 Application Form
Appendix 2 Existing Premise Licence
Appendix 3 Objection from Police
Appendix 4 Location Plan of Premise

6. BACKGROUND PAPERS

Licensing Act 2003
Guidance under S182 of the Licensing Act 2003
Statement of Licensing Policy

BROMSGROVE DISTRICT COUNCIL

**Licensing
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Date: 20th November 2014

AUTHOR OF REPORT

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