

Item 5

**Application for a Premises Licence –
Romsey Kebab House, 5 Church Street,
Romsey SO51 8BP**

1 The application

- 1.1 The application is by Asim Sen for the premises known as Romsey Kebab House, 5 Church Street, Romsey SO51 8BP. The premises have traded as a hot food take away for only the last year or two.
- 1.2 The applicant is now applying under section 17 of the Licensing Act 2003 for a Premises Licence. The provision of hot food beyond 2300 hours is a licensable activity under the Licensing Act 2003 thus the premises needs a licence if it is to continue trading beyond this time. The application has attracted representations that cannot be resolved requiring the application to be determined at a hearing.
- 1.3 The application as submitted requests the following:-
- a) To permit provision of late night refreshment until 0000 hours Monday to Sunday.

A copy of the application as submitted is attached as Annex 1 to this report.

2 Background

- 2.1 The premises are a hot food take away located in ground floor premises at 5 Church Street in Romsey town centre.

3 Promotion of the Licensing Objectives

- 3.1 The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:-
- a) General – business management and staff arte informed of the Licensing Act 2003 objective and statutory requirement to comply with all relevant provisions of the Act. No new steps have been identified by risk assessment in relation to the four licensing objectives. The applicant has considered the terms of the local Licensing Policy in preparing this application.
 - b) The prevention of crime and disorder – no new steps have been identified by risk assessment in relation to this objective. The staff are fully aware of the conduct expected by customers etc.

- c) Public safety – the premises comply with Health and Safety and Fire Precautions Regulations. Following risk assessment, preventative and controlled measures are in place to ensure the safety of staff and customers.
- d) The prevention of public nuisance – no new steps have been identified by risk assessment in relation to this objective.
- e) The protection of children from harm – no new steps have been identified by risk assessment in relation to this objective.

The measures to promote the licensing objectives are of relevance when considering the representation received.

4 Relevant Representations – Responsible Authorities

- 4.1 **Hampshire County Council Trading Standards Service** – Does not wish to make a representation.
- 4.2 **Environment and Health Service** – No comments in relation to the licensing objectives of public safety and prevention of public nuisance.
- 4.3 **Planning Service** – There are no planning restrictions with regard to opening hours or noise attenuation on the planning history for this site. Concern is expressed for residents in the vicinity due to noise disturbance whilst customers gather to purchase and consume food, it is considered that the late opening may be excessive for the locality and as a result the amenities of residents in the vicinity may be at a level below that which they may reasonably expect to enjoy.
- 4.4 **Hampshire Constabulary** – The Police have raised an objection to the granting of a licence primarily on the grounds that the licensing objectives of the prevention of crime and disorder and prevention of public nuisance will not be achieved if the application is granted and the premises allowed to trade beyond 2300 hours. A copy of the Police representation is set out in Annex 2 to this report.

5 Relevant Representations – Interested Parties

- 5.1 W Fowler – Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 3 to this report.
- 5.2 M Kneller - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 4 to this report.

- 5.3 R Martin - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 5 to this report.
- 5.4 G Morris - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 6 to this report.
- 5.5 J & A Scarborough - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 7 to this report.
- 5.6 M Perfect - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 8 to this report.
- 5.7 J Hudson - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 9 to this report.
- 5.8 I Nunn - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 10 to this report.
- 5.9 G Maddick - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 11 to this report.
- 5.10 J Hill - Objection to the grant of the licence on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 12 to this report.
- 5.11 C Britch – Objection to the grant of the licence on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 13 to this report.

6 Policy Considerations

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

5.20 – Late night refreshment

5.40 – Application for Premises Licences

5.46 – The operating schedule

5.47 – Steps to promote the licensing objectives

5.65 – Considering applications for new and major variations of premises licences

7.20 – Crime and disorder

A copy of the Secretary of State's Guidance will be provided at the meeting for Members of the Committee. Additional copies can be obtained from the website of the Department of Culture Media and Sport.

- 6.2 It is considered that the following extracts from the Licensing Authority's own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

Section C: Prevention of Public Nuisance

The Statement of Licensing Policy is enclosed with a copy of this report for Members of the Committee. Additional copies will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Administration Service or downloaded from the Council's website.

7 Observations

- 7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. 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 requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c) Reject the whole or part of the application (in the case of the latter for example by only allowing some of the licensable activities to take place at times other than those requested).

The 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 one or more of the licensing objectives:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence application for Romsey Kebab House, 5 Church Street, Romsey and all associated paperwork

No of Annexes:	13		
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