

## **ITEM 5            Application for variation of a Premises Licence – Flames, 37 London Street, Andover SP10 2NU**

### **1            The application**

- 1.1    The application is by Mr C Kutlubay for the variation of the existing Premises Licence for the late night take-away premises known as Flames, 37 London Street, Andover SP10 2NU. The applicant has applied to vary the times during which provision of late night refreshment may take place such that it would cease at 0500 hours the following morning Wednesday to Sunday; the times for Monday and Tuesday remain unchanged. The premises are currently licensed for the provision of late night refreshment until 2400 hours Sunday to Wednesday and until 0400 hours the following morning on Thursday, Friday, Saturday and Bank Holiday evenings. This application has attracted a representation necessitating the application to be determined at a hearing. A copy of the existing licence is attached as Annex 1 to this report.

### **2            Background**

- 2.1    The premises are a late night fast food take-away located in the centre of Andover close to a number of licensed premises. An evening only taxi rank and taxi booking office are located at the end of the road in which the premises are located and it is not unusual for the general area to be very busy later in the evenings as patrons leave licensed premises in the area.

### **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 – none beyond those conditions attached to the existing licence.
  - b) The prevention of crime and disorder – See above.
  - c) Public safety – See above.
  - d) The prevention of public nuisance – See above.
  - e) The protection of children from harm – See above.

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

### **4            Relevant Representations – Responsible Authorities**

- 4.1    **TVBC Housing and Environmental Health Service** – The Environmental Protection Team has raised an objection which is attached as Annex 2 to the application.

- 4.2 **Hampshire Fire and Rescue Service** – Having examined the application the Fire Service does not wish to make any representation.

## **5 Relevant Representations – Other Persons**

- 5.1 There are no representations from other persons.

## **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 (April 2017 edition) are relevant.

2.15-2.21 – Public nuisance

8.38-8.46 – Steps to promote the licensing objectives

9.1, 9.3, 9.31-9.44 – Determining applications

10.1-10.10, 10.13-10.14 – Conditions

A copy of the Secretary of State's Guidance will be provided at the meeting for Members of the Sub Committee. Additional copies can be obtained from the GOV.UK website.

- 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 C Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Sub Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic 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 appropriate 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 (this is not entirely relevant for this application as in the case of the latter an example would be only allowing some of the licensable activities or permitting them 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 appropriate in order to promote one or more of the four licensing objectives:

- a) Prevention of crime and disorder
- b) Public safety
- c) Prevention of public nuisance
- d) Protection of children from harm

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Premises Licence application reference PREM/11/0419 for Flames, London Street, Andover.			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	2		
Author:	Michael White	Ext:	8013
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