

ITEM Application for the Review of a Premises Licence – Naz’s Cuisine, The Hundred, Romsey SO51 8BX

1 The application

- 1.1 The application is by Hampshire Constabulary asking for the Review of the existing Premises Licence in respect of Naz’s Cuisine, 48 The Hundred, Romsey SO51 8BX. The application has asked for the Review on the basis that the Police consider the licensing objectives of prevention of crime and disorder and prevention of public nuisance are currently being harmed by activity on the premises. A copy of the Review application is attached as Annex 1 to this report with supporting information from the Police contained in their Annexes A to F. The application for a Review requires the matter to be determined at a hearing. Unlike other Licensing Act applications there is no provision to cancel a hearing for a Review application, it must take place.

2 Background

- 2.1 Naz’s is a small Indian restaurant located in The Hundred in Romsey town centre in an area of mixed business and residential properties. The premises are licensed for recorded music, late night refreshment and sale of alcohol for consumption on the premises.

3 Grounds for the Review and the Licensing Objectives

The Sub Committee will be aware that the premises were subject to a Review which was considered at a hearing held on 30 August 2017. The outcome of that hearing is contained in the decision notice at Annex A. The Police comment that the premises have not complied with all of the hearing decisions and in particular there has been no application to appoint another Designated Premises Supervisor (DPS). Subsequently Police officers visited the premises and discovered alcohol being sold (see Annex C). At the time of writing this report the premises are not selling alcohol and are asking customers to bring their own. It is the view of the Police that “there is a distinct and persistent lack of co-operation and compliance by the venue and its key personnel, this despite a graduated engagement process by Police and partner agencies to work together to improve compliance”.

4 Relevant Representations – Responsible Authorities

- 4.1 **TVBC Planning Service** – The Planning Service have advised that the planning permission granted in February 2003 allows use as a restaurant between 0800 and 2300 hours “and in all cases the premises shall be vacated by staff and customers by 2330 hours”.
- 4.2 **TVBC Housing and Environmental Health Service** – The Environmental Protection Team advise that “as when we commented regarding this premises in July, whilst no complaints have been received directly by this team we were very concerned to see the reports provided by the Police. Romsey town centre is generally quiet at night and this premises is slightly removed from

the main hub of the night time economy in the town. As such the noise generated by groups of people gathering, arguing and/or fighting would stand out clearly in this location and there is obvious potential for town centre residents to be disturbed. Given that the premises is located a small distance from the bus station, train station and main car parks it is also foreseeable that people leaving the premises in a drunken state could walk through other areas of the town causing more widespread disturbance.”

5 Relevant Representations – Other Persons

- 5.1 There are no representations from other parties.

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.

2.1–2.6 – Crime and disorder
2.15–2.21 – Public nuisance
9.31-9.44 – Hearings
10.1-10.10 – Conditions
11.1-11.11 & 11.16-11.28 Reviews

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 A: Prevention of Crime and Disorder

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) Modify the conditions of the Premises Licence, by altering or omitting or adding to them

- b) Exclude a licensable activity from the scope of the Licence
- c) Remove the Designated Premises Supervisor
- d) Suspend the Licence for a period not exceeding three months
- e) Revoke the Licence
- f) Reject the application and do nothing.

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

The Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Committee issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that the licensing authority will regard such a warning as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the Police have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, the Committee should not merely repeat that approach.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence Review application for Naz's, The Hundred, Romsey			
<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:	7		
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Report to:	Licensing Sub-Committee	Date:	7 December 2017

Brief Description

To determine an application for the Review of the Premises Licence for Naz's, The Hundred, Romsey.

<u>Have you taken the following into consideration?</u>	Yes/No
Policy Framework/Council's Strategic Priorities	N/A
Key Decisions	N/A
Community Safety Issues	N/A
Equality Issues	N/A
Risk Analysis	N/A
Environmental Health/Sustainability	N/A
Property/Accommodation Implications	N/A
Is this report confidential?	No

<u>OFFICER CONSULTATIONS</u>		<u>COMMENTS</u>
Legal	X	
FINAL APPROVED VERSION	X	

Statutory Authority

Licensing Act 2003