

Application for the Review of a Premises Licence – Kebab and Burger van pitch, Premier Way, Romsey

1 The application

- 1.1 The application is by the Environmental Health Service of Test Valley Borough Council asking for the Review of the existing Premises Licence in respect of the Kebab and Burger van pitch located in Premier Way, Romsey. The application has asked for the Review on the basis that the local authority considers the licensing objectives of the prevention of crime and disorder and public safety are currently being harmed by the existence of the licence. A copy of the Review application is attached as Annex 1 to this report. 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 The Licence is issued in respect of a section of highway in Premier Way upon which a mobile food outlet has previously traded. Premier Way is an industrial estate which has in 2017 was subject to parking restrictions (double yellow lines) which from a practical view prevented the use of the location for future trading. The Premises Licence permits the provision of late night refreshment only and a copy of the current Licence is attached as Annex 2 to this report.

3 Grounds for the Review and the Licensing Objectives

- 3.1 The application for Review sets out details of the specific concerns relating to this Premises Licence and the reasons for submission of the Review application. The Environmental Health Service request that the Licence be revoked.
- 3.2 Subsequent to the submission of the Review application it should be noted that the licence holder has been prosecuted on 22 March 2019 at Aldershot Magistrates Court for trading without a Street Trading Consent.

4 Relevant Representations – Responsible Authorities

- 4.1 There are no representations from any of the other Responsible Authorities.

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 2018 edition) are relevant.

3.12–3.20 & 3.34 – Late night refreshment
8.41–8.49 – Steps to promote the licensing objectives
9.31-9.44 – Hearings
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

Section B: Public Safety

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 (not applicable in this case)
- c) Remove the Designated Premises Supervisor (not applicable in this case as there is no sale of alcohol)
- 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 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 Kebab and Burger Van pitch, Premier Way, 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:	2		
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