

Application for a new Premises Licence – Hasan Kebab van pitch, Premier Way, Romsey SO51 9DQ

1 The application

- 1.1 The application is by Mr M Bora trading as Hasan Kebab for a Premises Licence in respect of a mobile kebab van trading from Premier Way, Romsey. There is no post code associated with the pitch, but the nearest building has a post code of SO51 9DQ. The application as submitted seeks provision of late-night refreshment until 0100 hours Monday to Sunday inclusive.
- 1.2 The application has attracted a representation objecting to the application which necessitates it being determined at a hearing. A copy of the application is attached as Annex 1 to this report.

2 Background

- 2.1 The premises are a section of highway located on Premier Way, Romsey which are used to locate a mobile hot food van. It should be noted that the applicant has previously held a similar Premises Licence for a location on the opposite side of the road from the requested location. That Licence was revoked at a hearing held in April 2019 following a request for a Review submitted by the Council's Environmental Health Service.
- 2.2 The specific grounds for the review were that the applicant's Street Trading Consent, required under separate legislation for any form of trading taking place on or adjacent to the highway, had been refused in September 2017 yet the applicant had continued to trade and had subsequently been convicted of trading without a Consent at the Magistrates Court.
- 2.3 The applicant reapplied for and was granted a new Street Trading Consent in May 2022. As the applicant wishes to trade beyond 2300 hours, he now requires a new Premises Licence.

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. These comments are taken directly as entered in the application:
 - a) General – The applicant does not believe that granting a licence will have any negative impact on the licensing objectives as he currently trades from this location; a licence is sought to trade beyond 2300 hours.
 - b) The prevention of crime and disorder – None identified.
 - c) Public safety – None identified.
 - d) The prevention of public nuisance – Any rubbish will be cleared from the site at close of trading each day. The licence holder will take all steps to ensure that adequate facilities are made for collection and disposal of refuse.
 - e) The protection of children from harm – None identified.

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

4 Relevant Representations – Responsible Authorities

4.1 **TVBC Housing and Environmental Health** – the Environmental Protection Team has raised no objection.

4.2 **TVBC Planning and Building Service** – has no comments to make.

5 Relevant Representations – Other Persons

5.1 Councillor Mark Cooper has submitted a representation objecting which appears at Annex 2 to this report.

6 Policy Considerations

6.1 The representation raises concerns relating to aspects of the licensing objectives. It is therefore considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (December 2022 edition) are relevant.

2.1-2.6 – Crime and disorder

2.7-2.9 – Public safety

2.15-2.21 – Public nuisance

3.34 – Late night refreshment

8.41-8.49 – Steps to promote the licensing objectives

9.1, 9.3-9.12, 9.31-9.44 – Determining applications

10.1-10.10, 10.13-10.15, 10.61-10.66 – 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 A: Prevention of Crime and Disorder

Section B: Public Safety

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 (for example by allowing only 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>			
None			
<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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