



Committee and date
Licensing Act Sub-Committee
Friday 25th October 2013
10.00 am

Item
3
Public

**LICENSING ACT 2003
APPLICATION FOR A VARIATION OF A PREMISES LICENCE**

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1.0 Summary

- 1.1 Premises: Fried Chicken Express, 20 Willow Street, Oswestry, SY11 1AD. A location plan is attached to the report as Appendix A.
- 1.2 The purpose of this report is to consider an application for the variation of a Premises Licence.
- 1.3 Shropshire Council being the authorised licensing authority for the above premises has received an application for a premises licence.
- 1.4 The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.
- 1.5 In determining the application the licensing authority must give appropriate weight to:
 - the steps that are necessary to promote the licensing objectives;
 - the representations (including supporting information) presented by all parties;
 - guidance issued under Section 182 of the Licensing Act 2003;
 - the Shropshire Council Licensing Policy .
- 1.6 After considering all the relevant issues the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Conditions imposed must be necessary for the promotion of the licensing objectives.

- 1.7 Alternatively the application can be refused if it is considered appropriate for the promotion of the objectives. It may also only allow certain requested licensable activities.
- 1.8 Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.
- 1.9 All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

2.0 Recommendations

- 2.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the parties/authorised bodies making relevant representations.
- 2.2 That the Sub-Committee determines the application in accordance with the options in paragraph 12.
- 2.3 That the Sub-Committee provides the reasons for its decision.

3. Risk Assessment and Opportunities Appraisal

- 3.1 There are no risks associated with this report

4. Financial Implications

- 4.1 There are no financial issues associated with this report; however each party has the right of appeal on the decision made.

Report

5.0 Background

- 5.1 Mr Halit Sevim has made an application for the variation of a Premises Licence. The existing Premises Licence is attached at Appendix B and permits the following:

Late Night Refreshment (inside and outside)

Sunday to Friday: 23.00 – 04.00 hours

Saturday: 23.00 – 05.00 hours

Opening Hours

Sunday to Friday: 11.00 – 04.00 hours

Saturday: 11.00 – 05.00 hours

- 5.2 The applicant has requested to vary the premises licence to increase the operating / opening hours to permit:

Late Night Refreshment (inside and outside)

Monday to Sunday: 23.00 – 05.00 hours

Opening Hours

Monday to Sunday: 00.00 – 00.00 hours

- 5.3 For a variation application, applicants may add to the existing operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. No additional measures have been included in the application. The existing measures are listed below.

6.0 Prevention of Crime and Disorder

1. CCTV, consisting of four cameras, will remain in operation on the premises.
2. Those who are acting in a disorderly manner will be refused service and asked to leave the premises.

7.0 Public Safety

1. Fire fighting and first aid equipment on the premises will be maintained.
2. The fire exit located at the rear of the building will be kept clear at all times.

8.0 Prevention of Public Nuisance

1. CCTV cameras will remain on the premises, with signage displayed to reflect this.

9.0 Protection of Children from Harm

1. No children will be served after 11pm unless accompanied by an adult.

10.0 Objections Received (Responsible Authorities)

- 10.1 One representation has been received from the Chief Officer of Police. This representation has not been withdrawn.

11.0 Objections Received (Other Interested Parties)

- 11.1 There were no other representations received.

12.0 Options Considered

- 12.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- To refuse to grant the licence
- To grant the licence with additional conditions
- To grant the licence without additional conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

- 12.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraphs 6 to 9 of this report would be attached to the licence.

- 12.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if it considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premise, it would not be necessary to impose similar duties.

- 12.4 Members of the Sub-Committee should be advised that the applicant, or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

13.0 Standard of Decision Making

- 13.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.

- 13.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of a Public Nuisance

- The protection of Children from Harm

13.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.

13.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

13.5 Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Shropshire Council Licensing Policy.
- Guidance issued under section 182 of the Licensing Act 2003 (April 2012).
- The Licensing Act 2003 (Hearings) Regulations 2005.
- Application form and associated papers.
- Copies of representations received.

Human Rights Act Appraisal

None apparent

Environmental Appraisal

Not applicable.

Risk Management Appraisal

Not applicable.

Community / Consultations Appraisal

Not applicable.

Cabinet Member

Councillor Steve Charmley

Local Member

Councillor Keith Barrow

Appendices

Appendix A – Location Plan

Appendix B – Current Premises Licence