

BABERGH DISTRICT COUNCIL

FROM: Head of Legal and Administrative Services

REPORT NUMBER **E235**

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING 13 January 2005

LICENSING ACT 2003 – HEARING REPORT

1. SUMMARY

To determine an application under the 2003 Licensing Act made by:

Mr Hasim Koxsa and Mr Hasam Koksall

in respect of:

Sudbury Grill, 62B North Street, SUDBURY CO10 1RE

The hearing is to determine a NEW premises licence application made under section 17 of the Licensing Act 2003.

The application is for a late night takeaway to be granted a premises licence to sell hot food and hot drink after 11pm (late night refreshment).

2. RECOMMENDATIONS

2.1 The sub-committee must, having regard to the representations made, take such of the steps below (if any) as it considers necessary for the promotion of the licensing objectives:

- To grant the licence subject to conditions which are consistent with the operating schedule submitted by the applicant;
- To exclude from the scope of the licence any of the licensable activities that have been applied for;
- To refuse to specify a person in the licence as the premises supervisor;
- To reject the application.

Members of the sub-committee should note that they may where it is deemed necessary and proportionate for the promotion of the licensing objectives, alter, omit or add new conditions within the applicants operating schedule.

The sub-committee is able to determine this application.

3. THIS APPLICATION

- 3.1 This application is made by Hasim Koksa and Mr Hasam Koksall in respect of Sudbury Grill, 62B North Street, SUDBURY CO10 1RE. No DPS is required as no alcohol permissions are being sought within the application. The premises is described as a traditional kebab takeaway.

The application seeks to carry on the following licensable activities:

- (a) **Late night refreshment (provision of which is indoors)**
Hours applied for:
23:00hrs until 00:00hrs (Monday to Wednesday)
23:00hrs until 03:00hrs (Thursday to Sunday)

The applicant has not proposed anything beyond the existing requirements for the promotion of the licensing objectives copy of the complete application attached as Appendix 1.

- 3.2 The applicant has verified that the statutory advertisements required under the Act were published on and displayed. The applicant has also confirmed that the following consultees, as Responsible Authorities, have received notice of the application.

RESPONSIBLE AUTHORITY	RESPONSE
1. Chief Officer of Police	
2. Local Fire Authority	
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	Yes
4. Environmental Health	
5. Local Planning Authority	Comments
6. Area Child Protection Committee	
7. Any other Licensing Authority	
8. Trading Standards	
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	

- 3.3 No representations have been received during the statutory period from local residents or local businesses ('interested parties').

4. GUIDANCE AND POLICY CONSIDERATIONS

- 4.1 The sub-committee is referred to section 6 – 'Hours of Trading' and section 7 – 'Conditions Attached to Premises Licences and Club Premises Certificates', and also Annexes D to H, of Central Government Guidance in respect of this application.

4.2 The sub-committee is referred to sections 1, 6, 7, 9, 10 and 14 of the Council's Statement of Licensing Policy in respect of this application. In particular sections 4 and 6 refer to the relationship between the Planning and Licensing processes.

5. THE ISSUE(S)

5.1 The Licensing Act 2003 introduced a new licensing regime. The four underlying objectives of the regime are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

These are the only grounds upon which an application may be refused, or if deemed necessary, conditions may be attached to a licence.

5.2 Members will note that the main issue here is:

- Balancing the interests of owners, employees, customers and neighbours of licensable premises.

6. PROCEDURE TO BE FOLLOWED AT HEARING

6.1 A copy of the 'Procedure for Hearing of Application under the Licensing Act 2003 where a Representation/Objection is received' is attached to the Agenda.

7. APPENDICES

- (a) Appendix 1 – Part B – Application
- (b) Appendix 2 – Representations
- (c) Appendix 3 – Site Plan

8. BACKGROUND PAPERS REFERRED TO

None.

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