



LICENSING COMMITTEE

Date: Thursday, 7 December 2023

Time: 10.00am,

Location: Council Chamber, Daneshill House, Danestrete, Stevenage

Contact: Lisa Jerome 01438 242203

Members: Councillors: C Parris (Chair), S Barr, N Chowdhury, M Downing, J Duncan, C Howells, G Lawrence CC, Mrs J Lloyd, L Martin-Haugh, M McKay, M Notley, G Snell, A Wells and T Wren.

AGENDA

PART I

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 3 APRIL 2023

To approve as a correct record the Minutes of the previous meeting of the Committee held on 3 April 2023.

Pages 3 – 6

3. TERMS OF REFERENCE

To note the Terms of Reference for the Committee, as agreed by the Annual Council Meeting on 24 May 2023.

Pages 7 – 8

4. LICENSING APPLICATIONS - PROCEDURE

To note the procedure for the hearing of licensing applications.

Pages 9 – 10

5. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR THE TASTE OF INDIA, 48A HIGH STREET, STEVENAGE

To determine an application for the variation of a premises licence for the Taste of India, 48A High Street, Stevenage, SG1 3EF.

Pages 11 – 72

6. URGENT PART I BUSINESS

To consider any Part I business accepted by the Chair as urgent.

7. EXCLUSION OF PUBLIC AND PRESS

To consider the following motions –

1. That under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in Paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

8. URGENT PART II BUSINESS

To consider any Part II Business accepted by the Chair as urgent.

STEVENAGE BOROUGH COUNCIL

LICENSING COMMITTEE MINUTES

Date: Monday, 3 April 2023

Time: 10.00am

Place: Autun Room, Daneshill House, Danestrete, Stevenage

Present: Councillors: Maureen McKay (Chair), Lin Martin-Haugh, Claire Parris and Teresa Callaghan (Substitute)

Start / End Time: Start Time: 10.00am
End Time: 12.00pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillors Myla Arceno, Rob Broom, Nazmin Chowdhury, John Duncan, Bret Facey, Liz Harrington, Chris Howells, Graham Lawrence CC, Andy McGuinness, Claire Parris and Lorraine Rossati.

There were no declarations of interest.

2 MINUTES - 10 MARCH 2023

It was **RESOLVED** that the Minutes of the meeting of the Licensing Committee held on 10 March 2023 be approved as a correct record and signed by the Chair.

3 LICENSING APPLICATIONS - PROCEDURE

All parties noted the revised procedure for the hearing which had been circulated at the meeting.

4 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TODAY FISH AND GRILL, 10 MIDDLE ROW, STEVENAGE SG1 3AW

The Committee considered an application for the grant of a premises Licence for the Today Fish and Grill, 10 Middle Row, Stevenage, SG1 3AW. Representations in respect of this application had been made by two local residents, one residing on Middle Row and the other on Baker Street. A representation had also been made from the owner of a local business on Middle Row.

Representations received by two of the Responsible Authorities, the Local Planning Authority and Environmental health had been withdrawn following the Licensing officer liaising with the Applicant who had subsequently agreed to voluntarily amend their application for late night refreshment from 03:00hrs to 00:00hrs for both delivery and takeaway and would be closed to the public at 00:00.

The Licensing Officer presented a report to the Committee outlining the facts of the application.

The Licensing Officer advised that the premises was surrounded by other commercial properties including retail outlets and a Barber shop along with some residential properties located above some of the ground floor premises on Middle Row. There were also nearby premises providing late night refreshments.

Following a question to the Licensing Officer from a local resident, it was clarified that the application was for the grant of the licence between the hours of 11.00am and 00:00midnight Mondays to Sundays including Bank Holidays.

A request was made by a local resident that the Committee defer their decision on the application as there were flaws and inaccuracies in the application including the lack of an accurate plan with dimensions of the property.

The Chair then invited the local residents to present their case. Two local residents spoke of their objections to the application, their key points of objection being:

- A number of late night licences in the vicinity were already in existence and caused nuisance. The grant of this licence would add to that nuisance;
- In general, there were no objections to the night time economy in the Old Town, however, the use of middle Row for such a premises would create considerable noise nuisance to the residents of Middle Row;
- The narrowness of Middle Row did not allow large groups to congregate without causing disturbance;
- Vandalism had been experienced in the past and an additional premises would increase the chance of further vandalism, particularly as Middle Row was secluded and out of sight from the High Street;
- The lack of public conveniences in the area could also lead to further anti-social behaviour;
- The inaccuracies of the plan submitted with the application did not show the issues with regard to the access into the residential premises at 12 middle Row.

The local residents responded to a series of questions asked by the Applicant's representative and members of the Committee.

The Chair then invited the Applicant's representative (Mr Stewart Gibson) to present their case.

Mr Gibson's submission included the following points:

- The objections raised to the application had no bearing and were not relevant to the 4 licensing objectives;
- Following consultation with the Licensing Officer and in response to concerns raised by the Responsible Authorities and local residents, the applicant had voluntarily amended the application by bringing forward the finish time for late night refreshment from 03:00hrs to 00:00hrs for both delivery and takeaway. The premises would also close to the public at 00:00hrs.

- The opening of the premises would not cause an increase in the numbers of people coming to the area but would just provide more choice to those people already in the area;
- The delivery partner waiting area would be removed from the application. Deliveries would be made through the adjoining Chickaroo premises which opened onto the High Street not Middle Row;
- No motorcycles would be used for the delivery of food it would be cars only which would address concerns of noise nuisance;
- No alcohol would be sold from the premises.

Mr Gibson and the Manager of Today Fish and Grill then answered a series of questions from local residents who had made representations, and Members of the Committee.

All parties were invited by the Chair to sum up their submissions.

At the conclusion of the summing up, the Committee withdrew from the meeting to determine the application. At the conclusion of that process, the Committee returned to the meeting to give their decision.

Licensing Committee Chair's statement:

The Licensing Committee approved the grant of a premises licence for Today Fish and Grill, 10 Middle Row, Stevenage, SG1 3AW subject to inclusion of the additional licensing conditions as set out below:

1. The removal of the delivery partner waiting entrance at the front of the property;
2. All delivery collections to be made through Chickaroo's High Street entrance.

The Committee restated the requirement of the planning condition on the business that all activity including cooking and serving must be ceased by midnight.

The Committee also advised that should the Council receive a valid request for a review from a resident or residents or from a Responsible Authority, the Committee would be able to consider a review of the Licence.

All parties were advised of their right of appeal to the Magistrates Court within 21 days of the receipt of the decision notice.

5 URGENT PART I BUSINESS

None.

6 EXCLUSION OF PRESS AND PUBLIC

Not required.

7 **URGENT PART II BUSINESS**

None.

CHAIR

LICENSING COMMITTEE

1. Membership – 14
2. Quorum - 4
3. Terms of Reference
- 3.1 To consider and determine applications under the Licensing Act 2003 where representations have been made, in respect of the following cases.
 - (i) Personal Licences;
 - (ii) Premises Licences/ Club Premises Certificates;
 - (iii) Provisional Statements;
 - (iv) Variation of Premises Licences/ Club Premises Certificates;
 - (v) minor variations of Premises Licences/Club Premises Certificates;
 - (vi) Variation of Designated Premises Supervisors;
 - (vii) Transfer Premises Licences;
 - (viii) Interim authorities;
 - (ix) Review premises licences/club premises certificates;
 - (x) Issue of Counter Notice following Police or Environmental Health objection to a temporary event notices.
- 3.2 To consider and determine applications and variations under the Gambling Act 2005 (where representations have been made and not withdrawn) in respect of the following cases:
 - (i) Premises Licences;
 - (ii) Variation to a Licence;
 - (iii) Transfer of a Licence;
 - (iv) Provisional Statements;
 - (v) Review of a Premises Licence;

- (vi) Club Gaming / Club Machine Permit;
- (vii) Cancellation of a Club Gaming / Club Machine Permit.

STEVENAGE BOROUGH COUNCIL

LICENSING COMMITTEE

HEARING OF LICENCE APPLICATIONS – PROCEDURE

The Committee will apply the following procedure when considering Liquor Licence applications and Review applications to ensure adherence to the rules of natural justice.

1. The Chair will introduce himself/herself and invite the other Committee Members, the Licensing Officer(s), Legal Advisor, Committee Administrator, Responsible Authority representatives, interested parties and the Premises Licence Holder and any representative to introduce themselves.
2. The Licensing Officer will outline the reason for the hearing and report on the facts of the case. Members of the Committee, the Responsible Authority representatives, members of the public who had submitted representations and Premises Licence Holder (and/or representative) may ask questions of the Licensing Officer.
3. The Responsible Authority representatives may then state their case, calling any witnesses.
4. With the Chair's permission, Members of the Committee and the Premises Licence Holder (and/or representative) may then ask questions of the Responsible Authority representatives.
5. The members of the public who have submitted representations may then state their case, calling any witnesses.
6. With the Chair's permission, Members of the Committee and the Premises Licence Holder (and/or representative) may then ask questions of the members of the public who have submitted representations.
7. The Premises Licence Holder (and/or representative) will state their case, calling any witnesses they wish.
8. With the Chair's permission, Members of the Committee, Responsible Authority Representatives and members of the public who have submitted representations may then ask questions of the Premises Licence Holder (and/or representative).
9. The Responsible Authority representatives are then invited to sum up.
10. The members of the public who have submitted representations are then invited to sum up.
11. The Premises Licence Holder (and/or representative) is then invited to sum up.
12. The Committee will retire to consider the matter and make its decision.
13. At the conclusion of its deliberations, the Committee will EITHER return to the meeting to deliver its decision OR inform all parties of its decision in writing as soon as possible after the meeting. In either event, reasons will be given for the Committee's decision.

NOTES:

- (1) EACH PARTY WILL BE AFFORDED A REASONABLE AMOUNT OF TIME TO PRESENT THEIR CASE.**
- (2) ALL PARTIES MAY ASK FOR CLARIFICATION OF ANY POINT AT ANY TIME IN THE PROCEEDINGS.**
- (3) THE COMMITTEE ADMINISTRATOR AND COUNCIL'S SOLICITOR WILL BE PRESENT THROUGHOUT THE MEETING AND MAY ASK QUESTIONS AT ANY TIME TO ASSIST THE COMMITTEE.**

Part 1 – Release to Press



Meeting Licensing Committee

Portfolio Area Communities, Community Safety and Equalities

Date 7 December 2023

APPLICATION FOR A VARIATION OF PREMISES LICENCE – TASTE OF INDIA, 48A HIGH STREET, STEVENAGE. SG1 3EF.

Authors Julie Dwan | Ext. 2493

Lead Officers Maurice Clay | Ext. 2175

Contact Officer Julie Dwan| Ext. 2493

1 PURPOSE

- 1.1 To determine an application for the Variation of a Premises Licence for Taste of India, 48a High Street, Stevenage. SG1 3AW. The Planning Authority, Environmental Health and local residents have made representations.

2 RECOMMENDATIONS

- 2.1 That the Committee reviews the evidence presented by the responsible authorities, local residents and applicant (and/or representatives) and determines what action should result in respect of this application, for the grant of a premises licence.

3 SUMMARY OF APPLICATION

- 3.1 Mr MD Shadikur Rahman has applied for the variation of the premises licence for The Taste of India, 48a High Street, Stevenage SG1 3EF. The premises wish to provide hot food/late night refreshment off the premises in

addition to on, by way of delivery. The application also proposes to extend the hours for the provision of late-night refreshment by 30 mins Friday, Saturday, and Sunday, so that late night refreshment is provided between the hours of 23:00 and 00.00 Friday and Saturday and between 23:00 and 23:30 on a Sunday.

- 3.2 The applicant has included with this application, a list of additional conditions which are to be included in the operating schedule to promote the four licensing objectives in light of the proposed variation. These include the following:
- There shall be no delivery of alcohol.
 - The premises shall ensure that all orders taken by the premises will be delivered to customers at a bona fide address.
 - No deliveries shall be made to an open space.
 - Delivery vehicles shall switch off their engines whilst stationary and collecting orders for delivery.
 - Delivery vehicles horns shall not be used except in accordance with the Highway Code
 - Notices will be displayed at the rear of the premises requesting staff to respect the local residents and use the area quietly.
- 3.3 This application was accepted as valid and duly made by the Council on 18th October 2023. **A copy of the application is attached at Appendix A.**

4 BACKGROUND INFORMATION

- 4.1 The Taste of India is a restaurant/takeaway located in a three-storey terraced property on the western side of the High Street. The premises is surrounded by other takeaway food outlets which include the Old Town Fish Bar and The Surma Indian Takeaway. The premises is also located within the Stevenage Old Town Conservation Area.
- 4.2 There are also residential properties adjacent to the premises and some located on the upper floors. **A location map is attached at Appendix B.**
- 4.3 The Taste of India currently hold a premises licence which authorises them for the sale of alcohol, 10:00hrs to 23:00hrs Monday – Saturday and between 12:00hrs and 22:30hrs on a Sunday. The provision of late-night refreshment (Inside) 23:00 - 23:30 Monday to Saturday and the playing of recorded music 00:00hrs to 24:00hrs. The hours for the sale of alcohol and the provision of late-night refreshment vary on New Years Eve and Bank Holidays. **A copy of the premises licence and plan is attached at Appendix D.**
- 4.4 The Licensing Officer carried out an inspection of the premises on 6th November 2023. The premises, at the time of the inspection was not selling alcohol and there was no alcohol being kept on site.

- 4.5 The Taste of India closed the restaurant side of the business during the COVID pandemic. The restaurant has not re-opened, and the business have been operating a takeaway/delivery only service since this time. They were unaware that their premises licence did not authorise them for the provision of late-night refreshment outside of the premises by way of delivery and have subsequently submitted this application for a variation of their premises licence.
- 4.6 Late night refreshment is the provision of hot food and/or drink and becomes a licensable activity between the hours of 23:00 and 05:00. The supply of hot food and/or drinks takes place when it is given to the customer and not when payment is made.
- 4.7 The Surma Indian Takeaway which is located at 44 High Street is authorised for the provision of late-night refreshment between the hours of 23:00 and 01:00. Friday to Saturday and between the hours of 23:00 and 00.30 on a Sunday. The Old Town Fish Bar, which is located at 46 High Street, is authorised for the provision of late-night refreshment between the hours of 23:00 and 04:00 Friday to Saturday and 23:00 to 02:00 on a Sunday.

5 RESPONSIBLE AUTHORITIES

- 5.1 Representations have been made by two of the Responsible Authorities, the Local Planning Authority and Environmental Health.
- 5.2 The Principal Planning Officer and Development Manager for the Local Planning Authority has objected to this application on the basis that the restaurant is now closed, and the premises are currently operating as a hot food takeaway with delivery (Planning use class sui generis) without planning permission and are therefore in breach of the planning regulations. In summary, the proposed variation of the premises licence is not in accordance with the current lawful use of the property as a restaurant (Planning use class E) and is therefore considered unacceptable from a planning perspective. Moreover, as the use is unauthorised, the planning authority has not assessed its suitability with respect to its impact on nearby residential properties from a public nuisance perspective.
- 5.3 Environmental Health have concerns relating to the licensing objective prevention of public nuisance. To summarise, complaints have been received regarding the operations of the Taste of India adversely affecting an adjacent resident. The premises no longer operates as a restaurant, only as a takeaway with delivery staff accessing the premises from the rear. Delivery drivers park on the privately allocated parking spaces to the rear of the resident's home under their openable windows, with their engines running. The regular opening and closing of the metal gate caused continual disturbance. The Food business Operator has now secured the gate open whilst trading, however this still clanks when it is closed at the end of the night. The refuse bin is also placed outside the resident's openable window, prior to collection.

6 INTERESTED PARTIES

6.1 Representations have been received from the landlord and tenant of 44a, a residential premises located adjacent to The Taste of India. These representations have been made under all four of the licensing objectives, though predominantly for the objective, 'Prevention of Public Nuisance'. To summarise, there is concern with regards to delivery vehicles parking underneath the windows of the property at 44a High Street. Drivers leave their engines running whilst they collect orders which subsequently cause noxious fumes to enter the property. The family residing at the property have young children and are unable to open their windows to increase ventilation. Rubbish bins are left in the private parking area underneath the windows of the property causing nuisance, with the smell of rotting food entering their property. Persistent use of the rear entrance of The Taste of India is also causing noise disturbance, the gate is left open whilst the business is operating and slams in the wind. There is also concern that the extended hours will lead to increased anti-social behaviour. **Representations are attached at Appendix C.**

6.2 The Licensing Officer has liaised with Environmental Health and the applicant to discuss all representations received. Additional conditions have been proposed to the applicant to address the concerns of all persons making representations. The applicant has agreed to voluntarily amend their application to include 4 additional conditions to the operating schedule on the premises licence. These are as follows:

- Delivery vehicles shall not park in the private parking area to the rear of 48a High Street when collecting food orders for delivery.
- All delivery drivers shall park in the small public car park in Primett Road which is at the rear of 48a High Street when collecting food orders for delivery.
- The collection of food orders for delivery shall be from the front entrance of 48a High Street from 20:00hrs Sunday to Thursday and from 21:00hrs Friday to Saturday.
- Waste receptacles shall not be placed within the area designated for private parking at the rear of 48a High Street.

6.3 The applicant has also agreed in an email dated 16th November 2023 that the restaurant will re-open in January 2024 as per the lawful use of the property.

6.4 The proposals made and subsequently agreed by the applicant to voluntarily amend their application, have been passed to those responsible authorities and other interested parties who have made representations. The Local Planning Authority and Environmental Health have both withdrawn their representations following the amendments made to this application by the applicant.

- 6.5 Environmental Health are happy with the agreed conditions for the premises licence and believe they address the issues raised by the resident of 44a High Street. Environmental Health have advised the premises licence holder, Mr Rahman about the issues with the rattling of the gate when in the closed position. Mr Rahman has advised that he will speak to his builder with regards to resolving the issue.
- 6.6 The Licensing Officer continues to liaise with the landlord and tenant of the residential property adjacent to the Taste of India with regards to their representations. These remain upheld upon the deadline for the publishing of this report.

7 IMPLICATIONS

7.1 Financial Implications

- 7.1.1 There are no financial or resource implications arising from the content of this report.

7.2 Legal Implications

- 7.2.1 The Committee is advised that paragraphs 9.31- 10.10 of the Guidance under section 182 of the Act describe the powers of a Licensing Authority on the determination of an application.
- 7.2.2 The following options are available to the committee under section. 18(4) (a) and (d) of the Licensing Act 2003:
- To modify the conditions of the licence
 - To reject the whole or part of the application

7.3 Policy Implications

7.3.1 *Stevenage Borough Council Statement of Licensing Policy 2020 – 2025*

The following sections of the licensing authority's statement of licensing policy apply to this application:

17.2 The Licensing Authority, in determining if the application for a review is relevant, will have regard to the current guidance issued by the Secretary of State under section 182 of the Act in so far as to whether an application is frivolous, vexatious, or repetitious. Representations made by a responsible authority cannot be deemed as being frivolous, vexatious or repetitious.

17.4 In instances where the crime prevention objective is being undermined, revocation, even in the instance of this being a first review of the premises licence, or club premises certificate, will be given serious consideration.

7.3.2 Guidance issued under section 182 of the Licensing Act 2003

The Committee is reminded of the Guidance issued under section 182 of the Licensing Act 2003. These particular sections are relevant to this application:

- Application for Premises Licences paragraphs 8.1 – 8.9
- Determining Applications paragraphs 9.1 – 9.30

7.4 Equalities and Diversity Implications

- 7.4.1 Any decision by the Committee is based on evidence before it at the meeting; there are no equalities and diversity implications.

7.5 Crime and Disorder

- 7.5.1 The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

8. BACKGROUND DOCUMENTS

BD1 Licensing Act 2003

BD2 Stevenage Borough Council, Statement of Licensing Policy 2020-2025

BD3 Guidance issued under section 182 of the Licensing Act 2003

9 APPENDICES

- A Application to vary a premises licence
- B Location map
- C Representations from Responsible Authorities and interested parties.
- D Current Premises Licence and Plan

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/ MD SHADIKUR RAHMAN
We

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number SBCL 0123

Part 1 – Premises Details

TASTE OF INDIA 48A HIGH STREET STEVENAGE HERTS SG1 3EF			
Post town	STEVENAGE	Postcode	SG1 3EF

Telephone number at premises (if any)	01438-720333
Non-domestic rateable value of premises	£10,500

Part 2 – Applicant details

Daytime contact telephone number	7980929788		
E-mail address (optional)	S.RAHMAN@HOTMAIL.CO.UK		
Current postal address if different from premises address	166 FERRIER ROAD STEVENAGE HERTS SG2 0PD		
Post town	STEVENAGE	Postcode	SG2 0PD

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

No

DD MM YYYY

If not, from what date do you want the variation to take effect?

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

PROVISION LATE NIGHT REFRESHMENT OUTSIDE OF THE PREMISES (DELIVERY).

ADDITIONAL CONDITION OFFERED TO SUPPORT THE AVOBE AND TO PROMOTE THE
LICENSING OBJECTIVE PUBLIC NUISANCE.

TO ADD THE PROVISION OF LATE NIGHT REFRESHMENT ON FRIDAY AND SATURDAY
23:00 TO 00.00 AND SUNDAY 23:00 TO 23.30.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I) ✓

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
Day Start Finish				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	
					Outdoors	
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon	23:00	23:30				
Tue	23:00	23:30				
Wed	23:00	23:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) NEW YEARS EVE 23:00 TO 05:00			
Thur	23:00	23:30				
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat	23:00	00:00				
Sun	23:00	23:30				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	23:59	
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Sun	00:00	23:59	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

N/A

Please tick as appropriate

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

ATTACHED

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

RESTAURANT WITH TAKEAWAYS (COLLECTION AND DELIVERY).

NO ALCOHOL DELIVERY WILL TAKE PLACE.

b) The prevention of crime and disorder

THE PREMISES WILL ENSURE THAT ALL ORDERS TAKING TAKING BY THE PREMISES WILL BE DELIVERED TO THE CUSTOMERS AT THE BONA FIDE ADDRESS.

NO DELIVERY WILL BE MADE TO A OPEN SPACE.

c) Public safety

ENSURE THAT THE OUTSIDE AREAS ARE CLEAR OF DEBRIS, DUSTBINS AND FIRST AID SUPPLIES, IDENTIFYING LIKELY HAZARDS.

CHECK BUILDING FIRE AND EMERGENCY SYSTEM, PERFORM REGULAR RISK REVIEWS AND UPDATES.

MAKE SURE FOOD IS SAFE TO EAT, TRAINING STAFF AND MANAGE FOOD SAFETY MANAGEMENT SYSTEM.

d) The prevention of public nuisance

KEEP SITE CLEAN, CHECK SITE FOR WASTE AND EVIDENCE OF VERMIN REGULARLY, CHECK ODOUS AND NOISE AND OTHER EMISSIONS AT THE BOUNDARY.

DELIVERY VEHICLE WILL SWITCH OFF THE ENGINE WHILE STATIONARY AND COLLECTING ORDER FOR DELIVERY.

DELIVERY VEHICLE HORNS WILL NOT BE USE EXCEPT IN ACCORDANCE WITH HIGHWAY CODE.

NOTICE WILL BE DISPLAY AT THE REAR OF THE PREMISES REQUIESTING STAFF TO RESPECT LOCAL RESIDENCE AND USE THE AREA QUITLY.

e) The protection of children from harm

THE PREMISES WILL OPERATE A CHALLENGE 25 POLICY

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I understand that I must now advertise my application.


I have enclosed the premises licence or relevant part of it or explanation.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	18/10/2023
Capacity	OWNER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003
PREMISES LICENCE

SBCL0123

LICENSING AUTHORITY



**Daneshill House
Danestrete
Stevenage
Herts
SG1 1HN**

Part 1 – Premises Details

The Taste Of India
48A High Street
Stevenage
Herts
SG1 3EF
Telephone Number:

01438 720333

Where the Licence is time limited the dates: **15 April 2015 - 31 December 9999**

Licensable Activities authorised by the licence:

F - Playing Recorded Music
I - Late Night Refreshment
J - Sale of Alcohol

The times the licence authorises the carrying out of licensable activities:

F - Playing Recorded Music (Indoors)

	From:	To:	
Monday-Sunday	00:00	00:00	24hrs

I - Late Night Refreshment (Indoors)

	From:	To:
Monday-Saturday	23:00	23:30
New Years Eve	23:00	05:00

J - Sale of Alcohol (Alcohol is supplied for consumption both on and off the Premises)

	From:	To:
Sunday	12:00	22:30
Monday-Saturday	10:00	23:00
Good Friday	12:00	22:30
Xmas Day	12:00	17:00
Xmas Day	19:00	22:30
New Years Eve	10:00	00:00
New Years Day	00:01	23:00

Or From 12.00 If A Sunday
Or To 22.30 If A Sunday

The opening hours of the premises: From: To:

Monday - Sunday 00:00 00:00 24hrs

Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption both on and off the Premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr MD Shadikur Rahman
166 Ferrier Road, Stevenage, Hertfordshire, SG2 0PD,

01438 364326
s.rahman@hotmail.co.uk

Registered number of holder, for example company number, charity number (where applicable)

Mr MD Shadikur Rahman

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Mizanur Rahman
55 Bernhardt Crescent
Stevenage
Hertfordshire
SG2 0DR





07969 829434

Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol):

Personal Licence Number: SBC0631
Licensing Authority: Stevenage

NOTES:



-  Tesco Express
-  The Surma Indian takeaway
-  The Taste of India.
-  Old Town Fish Bar

STEVENAGE BOROUGH COUNCIL
Zayd al Jawad
Head of Planning and Regulation
Daneshill House,
Danestrete,
Stevenage,
Herts, SG1 1HN.
Telephone: (01438) 242242

PROJECT:
48 A HIGH STREET
TASTE OF INDIA

DRAWING:
LOCATION PLAN.
Page 37

DATE:
NOV 2023

DRAWN BY:
SPB

CHECKED:

SCALE:
NTS

DRAWING
NUMBER:

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Appendix C

Representations Responsible Authorities

Delegated Report**APPLICATION NO:** 23/00769/LIC**DATE OF APPLICATION:** 18 October 2023**STATUTORY START DATE:** 18 October 2023**SITE LOCATION**

The Taste of India, 48A High Street, Stevenage, SG1 3EF

DEVELOPMENT

Application for variation of the premises license.

AGENT

No Agent

APPLICANT

Mr S Rahman
166 Ferrier Road
Stevenage
Herts
SG2 0PD

WARD: Old Town**GREEN BELT:** No**CONSERVATION AREA:** Yes**LISTED BUILDING:** No**TREE PRES. ORDER:** No**SUMMARY OF RECOMMENDATION**

Raise objection.

APPLICATION SITE AND SURROUNDINGS

The application site is a three-storey terraced property located on the western side of High Street, a well-established commercial area. The property is also located within the Stevenage Old Town Conservation Area. The property was previously used as a restaurant at ground floor level with associated facilities and residential space on the upper floors.

Planning permission was granted in 2015 to change the use of the first and second floors from residential to restaurant (ref. 15/00665/FP). The planning department are currently investigating the unauthorised change of use of the premises from restaurant (Class E) to hot food takeaway (Sui Generis) and ancillary operations. It is understood the restaurant is now closed and the business is operating a delivery and takeaway service only. At the time of writing, no planning application has been received to regularise the breach in planning control.

PROPOSAL

The application seeks a Variation of premises licence for the following:

- To amend the current licence so that Late Night refreshment can be provided outside of the premises in addition to inside (For delivery)
- To extend the hours for late night refreshment from 23.00hrs until 23.30hrs Fri-Sat to 23.00hrs until 00.00hrs Fri-Sat

- To add the provision of late-night refreshment on a Sunday, 23.00hrs until 23.30hrs
- To add conditions to the licence to support the above and to promote the licensing objective 'Prevention of Public Nuisance'

RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
01/00621/AD	Externally illuminated fascia sign	18.03.2002 PER
15/00665/FP	First floor rear extension, change of use from residential (C3) to restaurant (A3) on first and second floor and external alterations.	15.12.2015 PER
22/00017/FP	Erection of external plant, machinery and ducting.	08.03.2022 PER

CONSULTATION & RESPONSES

Notices

No Site Notice Required.

No Press Notice Required.

Summary of consultation responses

Consulted:

Consultee	Date Consulted
-----------	----------------

Responses:

Consultee	Comment
-----------	---------

Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	0	0	0	0

PLANNING POLICY CONTEXT

A revised National Planning Policy Framework (NPPF) was published in September 2023. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Stevenage Borough Council comprises the following documents:

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and

- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

Other Policies

Public Sector Equality Duty (PSED)

ASSESSMENT AND REASONED JUSTIFICATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise'.

The proposal raises the following key issues:

- The prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Comments

The premises are currently operating as a hot food takeaway with delivery (planning use class *sui generis*) without planning permission and are therefore in breach of the planning regulations. Planning therefore wish to raise an objection to the variation of the premises license as proposed.

Conclusion

In summary, the proposed variation of the premises license is not in accordance with the current lawful use of the property as a restaurant (planning use class E) and is therefore considered unacceptable from a planning perspective. Moreover, as the use is unauthorised, the planning department has not assessed its suitability with respect to its impact on nearby residential properties from a public nuisance perspective.

RECOMMENDATION

Raise objection.

INFORMATIVES

1. This determination refers to the following plans:
 - Application form(Received by the Council on 18 October 2023)

Case Officer Details: Ailsa Davis



Licensing Act 2003

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
Stevenage Borough Council LICENSING AUTHORITY**

Responsible Authority: Environmental Health

Your Name	Mrs Sue Bedford	
Job Title	Environmental Health Officer	
Postal address	Stevenage Borough Council Daneshill House Danestrete Stevenage Herts, SG1 1HN	
Email Address	Sue.bedford@stevenage.gov.uk	
Contact telephone number	01438 242237	
Name of the premises you are making a representation about	Taste of India	
Address of the premises you are making a representation about	48A High Street	
Is this the first objection in respect of these premises	Yes	<u>Brief details / cross reference</u>

Environmental Health, being a nominated Responsible Authority under the Licensing Act 2003, wish to make representation to this application.

Our representation(s) are made in consideration to the below licensing objectives, as we believe the operating schedule does not adequately demonstrate how you, the applicant will best support this.

Licensing Objections

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Evidence supporting representation or reason for representation. Please use continuation sheet as required
To prevent crime and disorder		
Public safety		
To prevent public nuisance		Environmental Health have received complaints (SR:23/00689/smell and 23/021491/other) regarding the operations of Taste of India adversely affecting an adjacent resident. The premises no longer operates as a restaurant only as a takeaway with all the access to the premises by the delivery staff from the rear of the premises. The delivery drivers park on the privately allocated spaces to the rear of the resident's home under his openable windows, with the engines running. The regular opening & closing of the metal gate caused continual disturbance. The Food Business Operator has now secured the gate open whilst trading, however this still clanks when it is closed at the end of the night. The refuse bin is also placed outside the residents openable window, prior to collection.
To protect children from harm		

The below additions to the Schedule as provided at Part 4 of the application, identifies those matters that we believe are necessary, to promote the licensing objectives.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	<p>All delivery drivers to park in the public car park to the rear of the premises in Primett Road, to collect the takeaway meals.</p> <p>All deliveries to be taken from the front entrance to the premises ie 48A High Street.</p> <p>Sound deadening material to be added to metal gate to deaden the sound generated on closure of the gates.</p> <p>The refuse bin to be stored away from the resident's openable window when left out for collection. These arrangements to be confirmed with the trade refuse collection team.</p>
---	---

Should you require clarification on any matter being made, please contact the named officer to discuss further.

Signed 

Date: 13 November 2023

Note for Officers:

Please submit this form along with any additional sheets to: Licensing at Stevenage Borough Council or email to licensing@stevenage.gov.uk

This form must be returned within the Statutory Period.

Appendix C

Representations – Other Interested Parties

Julie Dwan

From: Julie Dwan
Sent: 28 November 2023 09:37
To: Julie Dwan
Subject: FW: LICENCE REPRESENTATION/OBJECTION 48A HIGH STREET STEVENAGE
Attachments: 44a HIGH STREET LICENCE REPRESENTATION 10.11.23.docx

From:
Sent: 15 November 2023 10:57
To: Licensing <Licensing@stevenage.gov.uk>
Cc: Julie Dwan <Julie.Dwan@stevenage.gov.uk>; Sue Bedford <Sue.Bedford@stevenage.gov.uk>;
Subject: [External] LICENCE REPRESENTATION/OBJECTION 48A HIGH STREET STEVENAGE

Good morning

Please see the attached letter from my husband Ejaz Chughtai and myself giving factual reasons against request for extended hours made by the Taste of India High Street Stevenage.

Kind regards
Sarwat Jahan

that you have some concerns relating to the application from the taste of India to extend their hours for late night refreshment which is serving of hot food and drink

If you have concerns and wish to put forward objections or representations to the application you can do so in writing (letter or email)

RE: LICENCE REPRESENTATION 48A HIGH STREET STEVENAGE SG1 3BE (15.11.23)

The prevention of crime and disorder

-The prevention of public nuisance

-The promotion of public safety

-The protection of children from harm

Dear Sir/Madam

I refer to the above licence application submitted by The Taste of India to extend their hours for late night refreshment. Needless to say we have grave concerns about this and wish to put forward objections to the application. To put our concerns in perspective, we would like to start by giving some historical background.

We purchased this property in 2015

We have had a change of four tenants since.

The present tenant is the only one who has two young children under the age of five.

We have had issues about the way the proprietors and staff have conducted their business.

Every single tenant we have had has complained about the loud noise from the gates when shutting and the way they dispose of their garbage with the waste bins left open against the side wall of the property and smells permeating from the rotting food.

This is particularly horrendous during the summer months as it also encourages maggots crawling and making their way through the open windows into the property.

Lately there has been further increase of noise from delivery personnel who leave vehicle engines raving while waiting to collect their orders despite the fact, that there is a notice stating they should not do so.

Customer and staff alike park right next to the wall of the property in order to ensure that their cars are not on the double yellow lines. Again despite the fact that there is free parking not very far from them which they can use and is easily accessible.

We have tried to resolve these issues several times in the past by speaking to the owner as well as the staff. We have found the owner to be extremely rude, abrupt, uncooperative and quite frankly intimidating whenever these interactions have taken place. In his absence when the staff have been approached they would simply shrug their shoulders or claim they are unable to speak English.

We have in the past complained to Environmental Health Personnel (EHP) who have visited the property with us and actually seen the overflowing bins accompanied by photographic evidence.

We have tried to involve the local councillor, Thomas Frankland who also has visited our property and has verbally agreed that our complaints are well founded. He assured us that he would be taking this up with EHP.

Previously all our tenants with exception of the present one, have been childless couples. They would complain to us, we would then take the next steps and based on the outcome ask the tenants

to monitor the situation/speak to the owner/report to EPH/record incidents. However as most were working full time and the fact that there were no children involved, the matter would eventually be placed on the back burner.

Our present tenant, quite rightly, is deeply affected by the current situation compared to previous ones. He worries about his young children

- are being obliged to breathe noxious fumes from the raving vehicles
- are young and vulnerable and being exposed to harmful microorganisms breeding in the open bins
- are having interrupted sleep during the nights because of the added traffic activity. This will no doubt become a bigger problem once they start nursery/school.

He too has tried to resolve the concerns with the owner of the Star of India. He too like us found him to be rude and aggressive.

We have looked at the four licensing objectives and have no doubt each of these apply to our representation. That Your representation must be relevant and refer to the application and what has been applied for, it must also relate and refer to one or more of the four licensing objectives which are as follows:

1. The prevention of crime and disorder:

The owner to all intents and purposes seems to be only concerned about his business interests. To date we have not seen any evidence that he is actually interested in what goes on outside the four walls of his premises. Increasing the business hours will increase incidents of social misconduct. Broken bottle pieces are frequently found as a result of customers who have flung these against the walls of the property or smashed them outside the paving slabs at the front.

2. The prevention of public nuisance

This is twofold: the first is related to point number one with inebriated customers leaving the premises late night and misbehaving on their way home. Secondly, the late hour will mean there are no patrolling traffic wardens encouraging more drivers to park wherever and however they like, ignore the signage of 'private parking' and park anywhere they please. In this case as close to the property as possible as it makes for the shortest distance they would need to walk.

3. The promotion of public safety:

Cars and mopeds are a source of hazard for the general public at the best of times; more so when the drivers are not entirely sober. A lot of residents mostly elderly use the through walkway to get to the High Street and an out of control or speeding vehicle would be a sure cause of concerns for public safety.

4. The protection of children from harm

In the case of the present tenant the harm is not just physically caused by exhaust fumes, being exposed to harmful microorganisms, threat of being knocked down by vehicles but mental as well whereby the youngsters are undergoing sleep deprivation on a regular basis.

Referring to the undertakings being proposed by the owners of The Star of India (TSOI) who have said that:

1. Delivery drivers shall switch off their engines whilst stationary and collecting orders for delivery. Complaints have been made about this and a notice gone up. The drivers comply for a few days and then revert back to their old ways. How will TSOI enforce this? What will be the consequences for the drivers who do not comply?

2. Delivery vehicle horns shall not be used at any time except in accordance with the Highway Code.
3. Notices shall be prominently displayed at the rear of the premises requesting staff to respect the needs of local residents and use the area quietly:
There is already a notice on one of the lamp post at the rear. No idea how further notices are going to improve or alter the situation. Again the same query: How will TSOI enforce this? What will be the consequences for the drivers who do not comply? We hope they are not intending of putting a large luminous notice board on our rear wall in a similar fashion to the hinges of their gate that they have drilled illegally on our property wall.
4. We are also concerned that nowhere have they mentioned about the increased refuse the extended hours will create and how do they propose to dispose this. The present at the moment is bad enough and should their application be approved the situation will become unbearable. EPH have not to date resolved this neither has this been put forward as a pre-requisite as far as we are concerned. When there is an establishment which clearly seems to be wholly impervious to concerns and complaints, allowing them to extend their hours is simply giving them carte blanche.
5. For almost eight years we have been trying to get some resolution. This hasn't happened. Instead we are now facing a proposal which, if approved, will place us in a very difficult position and through no fault of ours is going to make our present situation a lot worse

Julie Dwan

From: Julie Dwan
Sent: 22 November 2023 11:41
To: Julie Dwan
Subject: FW: [External] Objection to The Taste of India application for change of license

From: Ivan Mavrodiev
Sent: 14 November 2023 21:52
To: <Sue.Bedford<Sue.Bedford@stevenage.gov.uk>; Licensing<Licensing@stevenage.gov.uk>>
Subject: [External] Objection to The Taste of India application for change of license

Good evening Julie,

My name is Ivan Mavrodiev and I'm the current occupant of 44A High Street, Stevenage, SG1 3EF along with my family including two young children. Previously I expressed my concerns in relation to "prevention of public nuisance" with your colleague Sue Bedford. As I stated before the issues that I experience are caused by the vehicles which are serving the business of the restaurant named "The Taste of India", neighbouring our property on High Street. Issues are as follows:

-Vehicles parking underneath my window with constant coming and going process which causes Noise from opening and closing the doors, Vehicles left with engines running while waiting orders which causes fumes going into the property and leaving me and my family unable to open the windows and have ventilation in the property. Just for the protocol I've got young family which makes the things even worse for us

-Also persistent problems are using the back access for their premises by metal gate which I believe is illegally attached to our property. Gate is left open and from the wind slams and causes a lot of noise

-leaving the rubbish bins right next to my window which also prevents it from opening otherwise the smell goes into the premises

-Using a "side door" which apparently the restaurant owner calls "fire exit". This is nothing more than wooden door that gets slammed and causing noise and is being used as entrance/exit by them

And to finish I want to express my strong objection based on the reasons stated above and considering the fact that no one goes in the restaurant at the front but restaurant activities are happening from the back where my living room and bedroom are located. I don't think the restaurant is licensed for this anyway. Please clarify for us...P.S to become more transparent the full extent of their activities please visit on a busy days like Friday or Saturday after 8pm to gather the whole picture

Kind Regards, Ivan Mavrodiev

Julie Dwan

From: Julie Dwan
Sent: 28 November 2023 09:54
To: Julie Dwan
Subject: FW: [External] Additional proof
Attachments: FEE71B72-B4E2-471E-B42A-7BCE0C15B1D4.mov

 [01438 242242](tel:01438242242) www.stevenage.gov.uk env.health@stevenage.gov.uk **From:** Ivan Mavrodiev <Ivan.Mavrodiev@stevenage.gov.uk>
Sent: 14 November 2023 22:02
To: <Sue.Bedford@stevenage.gov.uk>; Licensing <Licensing@stevenage.gov.uk>;
Subject: [External] Additional proof

Here I will attach some evidence, following my previous email. Please bear in mind the picture with the bins was taken early in the morning around 5.40am on my way to work. The video was taken yesterday evening time. And as suggested by me I am inviting you to arrange with me if you want to see the full extent of their operations to visit any Friday or Saturday after 8pm. Many thanks



Head of Service: Aidan Sanderson
Senior Environmental Health Manager: Jim Archibald

Daneshill House, Danestrete, Stevenage SG1 1HN • Tel: 01438 242242 • Textphone: 01438 242555 • Fax: 01438 242566 • stevenage.gov.uk

Mr M S Rahman
166 Ferrier Road
Stevenage
Hertfordshire
SG2 0PD

Contact: Jackie Barker
Direct Line: 01438 242259
e-mail: licensing@stevenage.gov.uk
Date: 30 April, 2015

Dear Sir/Madam,

Premises Licence

SBCL0123

Premises: Taste of India 48A High Street Stevenage

Holder: Md Shadikur RAHMAN

Please find the above premises licence enclosed amended to reflect the transfer of the Premises Licence as applied for under section 42 of the Licensing Act 2003. The Premises Licence, or a certified copy of it, must be kept at the premises in the custody of the holder, or a person who works on the premises and has been nominated in writing by the holder of the licence. The Premises Licence Summary, or a certified copy of it, must be prominently displayed at the premises.

We must be informed of any change in either the licence holder's, or designated premises supervisor's name or address as soon as reasonably practicable.

Please note that the use of the premises may still be bound by other restrictions e.g. planning conditions or landlord/tenant contracts and leases. This licence does not give permission to trade outside hours prescribed by other legislation or contracts.

Please read the premises licence carefully and contact me if you have any questions, or need any further information.

Yours faithfully,



Jackie Barker
Licensing Administrator

Environmental Health and Licensing

Head of Service: Aidan Sanderson
Senior Environmental Health Manager: Jim Archibald

Stevenage
BOROUGH COUNCIL

Daneshill House, Danestrete, Stevenage SG1 1HN • Tel: 01438 242242 • Textphone: 01438 242555 • Fax: 01438 242566 • stevenage.gov.uk

Licensing Act 2003

Premises Licence

SBCL0123

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Taste of India

48A High Street, Stevenage, Hertfordshire, SG1 3EF.

Telephone 01438 720333

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
F. Playing of recorded music (Indoors)	Monday - Sunday	00:00	23:59	
I. Late night refreshment (Indoors)	Monday - Saturday	23:00	23:30	
	New Years Eve	23:00	05:00	
J. Supply of alcohol for consumption ON and OFF the premises	Monday - Saturday	10:00	23:00	
	Sunday	12:00	22:30	
	Good Friday	12:00	22:30	
	Christmas Day	12:00	17:00	
	Christmas Day	19:00	22:30	
	New Years Eve	10:00	00:00	Or from 12.00 if a Sunday
	New Years Day (NYD)	00:01	23:00	Or to 22.30 if a Sunday

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	00:00	23:59

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2



Environmental Health and Licensing

Head of Service: Aidan Sanderson
Senior Environmental Health Manager: Jim Archibald

Stevenage
BOROUGH COUNCIL

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Licensing Act 2003

Premises Licence

SBCL0123

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Md Shadikur Rahman
s.rahman@hotmail.co.uk

166 Ferrier Road, Stevenage, Hertfordshire, SG2 0PD.
Telephone 01438 364326

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mizanur RAHMAN

55 Bernhardt Crescent, Stevenage, Hertfordshire, SG2 0DR.
Telephone 01438 210762

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. SBC0631

Issued by Stevenage

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

- 1) No supply of alcohol may be made under this licence
 - a) at a time when there is no designated premises supervisor in respect of it, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 3) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 4) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



Licensing Act 2003

Premises Licence

SBCL0123

ANNEXES continued ...

- 5) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- 6) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 7) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 8) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 9) The responsible person must ensure that-
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: 1/2 pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 10) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 11) For the purposes of the condition set out in paragraph 9-
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979.
 - (b) "permitted price" is the price found by applying the formula-
where- $P = D + (D \cdot V)$
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 12) Where the permitted price given by Paragraph (b) of paragraph 11 would (apart from this paragraph) not be a



Licensing Act 2003

Premises Licence

SBCL0123

ANNEXES continued ...

whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

13) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 11 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1) Alcohol shall not be sold or supplied except during permitted hours. As shown in part 'M'

2) The above restrictions do not prohibit:

- a) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- b) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- c) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- d) consumption of the alcohol on the premises by, or, the taking, sale, or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY



Environmental Health and Licensing

Head of Service: Aidan Sanderson
Senior Environmental Health Manager: Jim Archibald

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Premises Licence

SBCL0123

ANNEXES continued ...

Not applicable

ANNEX - 4 - BUILDING PLANS

A Taste of India Restaurant - Stevenage - Hertfordshire
1 plan showing both Ground Floor & First Floor - Scale 1/50

30/04/15

Signed:


Licensing Manager

Environmental Health and Licensing

Head of Service: Aidan Sanderson
Senior Environmental Health Manager: Jim Archibald

Stevenage
BOROUGH COUNCIL

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Licensing Act 2003

Premises Licence Summary

SBCL0123

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Taste of India

48A High Street, Stevenage, Hertfordshire, SG1 3EF.

Telephone 01438 720333

WHERE THE LICENCE IS TIME LIMITED THE DATES

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- provision of late night refreshment
- the supply of alcohol

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WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Md Shadikur Rahman

166 Ferrier Road, Stevenage, Hertfordshire, SG2 0PD.



Environmental Health and Licensing

Head of Service: Aidan Sanderson
Senior Environmental Health Manager: Jim Archibald

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Licensing Act 2003

Premises Licence Summary

SBCCL0123

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

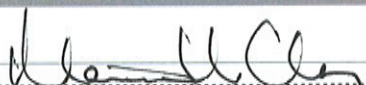
Mizanur RAHMAN

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted by virtue of the Licensing Act 2003

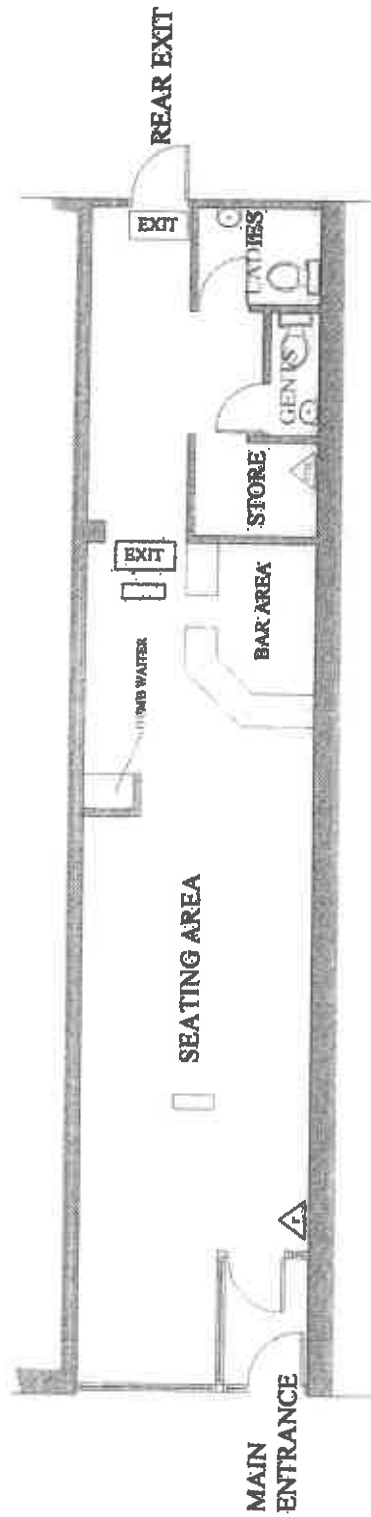
30/04/15

Signed:

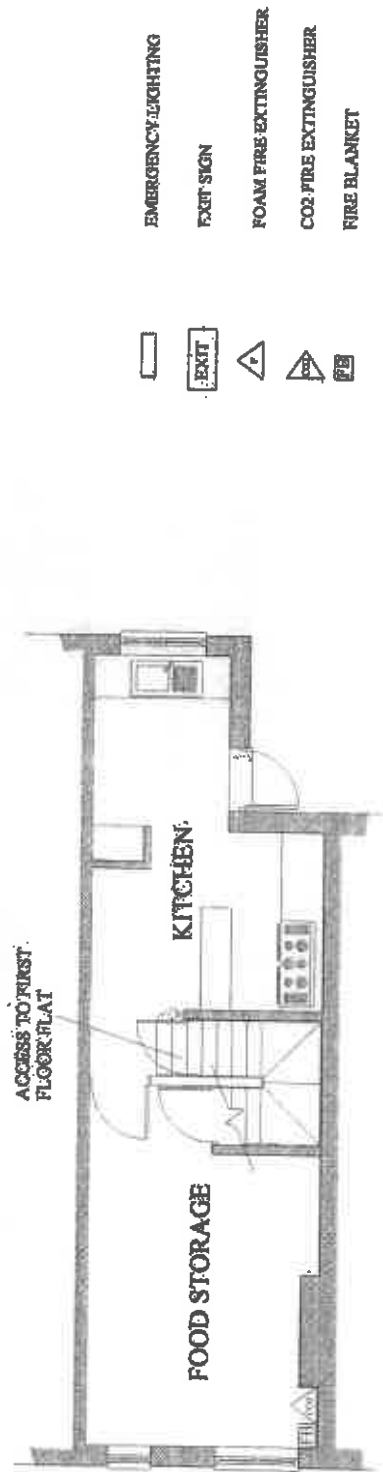

.....
Licensing Manager



GROUND FLOOR PLAN 1:50



FIRST FLOOR PLAN 1:50



TASTE OF INDIA RESTAURANT
48A HIGH STREET, STEVENAGE, HERTFORDSHIRE

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