

Meeting: Licensing Committee

Date: 4th September 2005 18:00hrs

APPLICATION FOR VARIATION OF PREMISES LICENCE – KING ROOSTER

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1 PURPOSE

To determine the application to vary the premises licence for King Rooster, 19 Town Square.

There have been no objections to the conversion application for this premises, so they will be granted their existing hours and activities as grandfather rights regardless of the decision related to the variation application.

2 SUMMARY OF APPLICATION

2.1 Type of Licence applied for

An application was received from Mr I Ahmed to vary a premises licence under section 34 of the Licensing Act 2003 during the transitional period (see appendix 1). The Licensing Authority accepted the application on 4th August 2005.

2.2 Summary of application

King Rooster is located in the Town Square, Stevenage (see appendix 2 for location map).

The premises is a fast food takeaway shop and the applicants are entitled to have the existing Late Night Refreshment Houses Act (LNRH) licence converted to a premises licence. Any premises that provides hot food and/or drink after 23:00hrs requires a premises licence under the Licensing Act 2003. The current LNRH licence at King Rooster allows the provision of hot food and/or drink until 01:00hrs on each day of the week.

The variation application is to:

- Permit the provision of hot food and/or drink at the following times:

Monday, Tuesday, Thursday	-	until 01:00hrs
Wednesday, Friday, Saturday, Bank Holidays	-	until 03:00hrs
Sunday	-	until 02:30hrs

Licensing Officer's Comments: The applicant is requested to confirm which days are requested as Bank Holidays; is it the Sunday, Monday or both?

3 BACKGROUND INFORMATION

The following background information is known about these premises:

Previous licences held: Late Night Refreshment Houses Act licence
Current Convictions: None
Details of licence reviews: None

4 PROMOTION OF LICENSING OBJECTIVES

The representations received relate to the objective of the prevention of crime and disorder and prevention of public nuisance. Please note that the operating schedule must be converted into conditions on the premises licence should the variation be granted. The operating schedule submitted by the applicant shows that those licensing objectives will be met as follows:

4.1 THE PREVENTION OF CRIME AND DISORDER

- 4.1.1 CCTV is sited inside the premises behind the counter facing front entrance and covers the whole of the customer area. The CCTV runs continuously for 24 hours at a time and each tape is kept for 30 days.

4.2 THE PREVENTION OF PUBLIC NUISANCE

No steps were identified under this objective.

5 RESPONSIBLE AUTHORITIES

5.1 Environmental Health – see appendix 3

Environmental Health have made representations relating to the prevention of crime and disorder and the prevention of public nuisance.

Prevention of Crime and Disorder: The representation states that the current hours for this premises were set in consultation with the Police as a result of concerns that if the premises were open after nearby liquor licensed premises, it would encourage patrons to congregate in the Town Square resulting in potential crime and disorder issues.

Prevention of Public Nuisance: The representation recommends that the applicant should prepare a litter management plan to include the provision of bin/s in the immediate vicinity of the shop, and a litter collection in the area at the close of every business day.

5.2 Police – see appendix 4

The police have made representations relating to the prevention of crime and disorder and the prevention of public nuisance.

The representation states that the main concern is that extending the hours past those of nearby licensed premises will exacerbate issues of disorder. A brief summary of the concerns is as follows:

- 5.2.1 Management of the store do not appear to support the Police. On two occasions employees have requested Police assistance and later have not cooperated fully, to the degree that Police have needed to summons the witness and transport him to court;
- 5.2.2 The proprietors have never employed door staff to assist in preventing disorder unlike other premises in the vicinity;
- 5.2.3 Between January – August 2005 19 incidents relating to this premises were recorded, 10 of these disorder related. In 2004 there were 29 incidents with 25 disorder related. These incidents include disturbances and fights in and directly outside the premises rather than the wider Town Square area;

No representations have been received from the Fire and Rescue Service, Trading Standards, Child Protection or Planning.

6 INTERESTED PARTIES

No representations have been received from Interested Parties.

7 POLICY CONSIDERATIONS

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

- a) 10. Licensing Hours
- b) 13. License Conditions
- c) 14. Licensing Objectives

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.

The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

BACKGROUND DOCUMENTS

Licensing Act 2003

Stevenage Borough Council, Statement of Licensing Policy

National Guidance issued under section 182 of the Licensing Act 2003

APPENDICES

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| Appendix 1 | - Copy of application |
| Appendix 2 | - Location map |
| Appendix 3 | - Representation from Environmental Health |
| Appendix 4 | - Representation from Police |