

Meeting: **Licensing Committee**

Date: **20 June 2012 ~ 10:00am**

APPLICATION FOR A NEW PREMISES LICENCE:

BEDWELL PIZZA & KEBAB

Author – Heather Morris, Ext. 2175
Lead Officer – Jeff Mason, Ext. 2684
Contact Officer – Jeff Mason, Ext. 2684

1 PURPOSE

- 1.1 To determine the application to grant a premises licence to the premises known as Bedwell Pizza and Kebab Takeaway, 125 Bedwell Crescent, Stevenage, SG1 1NA.

2 SUMMARY OF APPLICATION

2.1 Type of Licence applied for

- 2.1.1 The application made under section 17 of the Act was received from Mr Halis Basbaydar on the 26 April 2012. The Licensing Authority accepted the application as being valid on this day.

2.2 Summary of application

- 2.2.1 Bedwell Pizza and Kebab are a take-away establishment, and have made an application in accordance with the Licensing Act 2003 for the provision of late night refreshment as follows:

Monday to Thursday	23:00 – 01:00hrs the following morning
Friday and Saturday	23:00 – 02:00hrs the following morning
Sunday	23:00 – 01:00hrs the following morning

- 2.2.2 The overall opening hours as applied for are as follows:

Monday to Thursday	11:00 – 01:00hrs the following morning
Friday and Saturday	11:00 – 02:00hrs the following morning
Sunday	11:00 – 01:00hrs the following morning

- 2.2.3 A full copy of the application made is attached at Appendix 1 to this report.
- 2.2.4 The applicant, as part of the application process, has to serve a copy of their application to the nominated responsible authorities, and also to advertise their application by way of a notice on the premises and also by placing a public notice in a local newspaper.

- 2.2.5 Licensing can confirm that the premises did have on display the required public notice, which was checked by the Licensing Officer, MR Cox, on the 9 May 2012, and that the public notice was also placed in the Advertiser, publication date 2 May 2012 (page 28).

3 BACKGROUND INFORMATION

- 3.1 No licences have previously been issued to these particular premises under the Licensing Act 2003.

4 PROMOTION OF LICENSING OBJECTIVES

- 4.1 As part of the application process, the applicant is requested to submit details within the operating schedule as to how they will promote the licensing objectives. Following these submissions, during the consultation period, representations were received from the following responsible authorities as to the strength and suitability of these:

- Hertfordshire Constabulary
- Environmental Health
- Planning

- 4.2 These representations relate to the following licensing objectives:

- Prevention of Crime and Disorder
- Public Nuisance

- 4.3 The Committee are advised that, as part of the consultation process, the applicant has agreed to the additional conditions as put forward by Hertfordshire Constabulary in their correspondence dated the 17 May 2012, as well as a reduction to the hours being applied for for late night refreshment as follows:

Sunday to Thursday 23:00hrs – midnight
Friday and Saturday 23:00hrs – 00:30hrs the following morning.

- 4.4 With the opening hours revised as follows:

Monday to Thursday 11:00 – Midnight
Friday and Saturday 11:00 – 00:30hrs the following morning
Sunday 11:00 – Midnight

- 4.5 Therefore, these additional conditions will be included on the premises licence, in addition to those offered initially by the applicant in their application dated 26 April 2012, should the Committee be minded to grant the application before them.
- 4.6 A copy of the representation received, and the acceptance of this by the application are located at appendix 2 to this report.
- 4.7 Following receipt of the representations from both Planning and Environmental Health, the Licensing Officer met with the applicant on the 30 May 2012 to review this with the applicant, Mr Halis Basbaydar. Further to these discussions, Mr Basbaydar could offer no means to address the representations received at this time, and it was therefore concluded that a hearing would be necessary to determine the application.

- 4.8 The representations from Planning and Environmental Health are attached as appendices 3 and 4 to this report.

5 INTERESTED PARTIES

- 5.1 No representations were received from Interested Parties.

6 POLICY CONSIDERATIONS

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

- a) 5. Licensing Hours
- b) 7. License Conditions
- c) 8. Licensing Objectives

- 6.2 As per 12.9 of our current policy, the Licensing Committee will determine each application on its merits, and that in determining any application that they will consider:

The case and evidence presented by all parties;
The promotion of the four licensing objectives;
Guidance by Central Government; and
The licensing policy.

- 6.3 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.
- 6.4 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.

7 COURSE OF ACTION AVAILABLE

- 7.1 Following receipt of relevant representations that have not been resolved, or withdrawn, the authority must hold a hearing to consider them unless it has been agreed by all parties that a hearing is not necessary.

- 7.2 As per s.18(4) of the Licensing Act 2003, the options available to the Committee are:

(a) To grant the licence subject to –

- (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
- (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application.

BACKGROUND DOCUMENTS

Licensing Act 2003

Stevenage Borough Council, Statement of Licensing Policy

National Guidance issued under section 182 of the Licensing Act 2003

APPENDICES

Appendix 1

- Copy of application

Appendix 2

- Representations Received – Hertfordshire Constabulary

Appendix 3

- Representation Received – Planning

Appendix 4

- Representation Received – Environmental Health