

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR VARIATION OF A PREMISES LICENCE
BEST KEBAB (formerly known as Atlantis Fish Shop), 1 DONCASTER ROAD,
SCUNTHORPE, NORTH LINCOLNSHIRE, DN15 7RA**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application for Variation of a Premises Licence for Best Kebab (formerly known as Atlantis Fish Shop).
- 1.2 There has been one representation, which has been deemed relevant. This is detailed in paragraph 4.2. and is attached to this report as Appendix 3.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003, our Statement of Licensing Policy and our Cumulative Impact Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policies only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided which is relevant to the licensing objectives.

2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:

- To modify the conditions of the licence;
- To reject the whole or part of the application

2.7 Members of the Sub-Committee should be advised that the applicant, statutory consultees and persons making relevant representations may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

3.1 The application for variation of a premises licence for Best Kebab was received on 27 January 2010. A copy of the application is attached to the report at Appendix 1.

3.2 The premises currently holds a Premises Licence, determined on 5 December 2007. A copy of the current Premises Licence is attached to this report at Appendix 2.

3.3 There has been one letter of objection from a statutory consultee, which has been deemed relevant. This is detailed in paragraph 4.2 and is attached to this report as Appendix 3.

3.3 The applicant has been made aware of the representation.

4. OUTCOMES OF CONSULTATION

4.1 An applicant wishing to vary a Premises Licence has to serve a copy of the application form and a plan of the premises on the statutory consultees the same day as the Licensing Authority receives its copy.

4.2 The table overleaf provides details of any comments received:

Statutory Consultees	Comments
Humberside Police	Representation has been received from the Police on the grounds that the additional hours will not assist in the prevention of Crime & Disorder and prevention of Public Nuisance. A copy is attached at Appendix 3 of this report.
Humberside Fire & Rescue Service	No adverse comments
Environmental Health	Waste Management – No adverse comments Noise – no adverse comments
Health & Safety	No adverse comments
Health and Safety Executive (if applicable)	Not applicable.
Trading Standards	No adverse comments
Child Protection	No adverse comments
Planning	No comments
Interested Parties	Comments
Other	No comments received.

5. **OUTCOMES OF MEDIATION**

5.1 We have a duty to mediate in accordance with our policy. The results of the mediation will be reported at the meeting.

6. **LICENSING OBJECTIVES & STATUTORY PROVISIONS**

6.1 Prevention of Crime & Disorder

6.1.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 12 of their application in Appendix 1 attached to this report.

6.1.2 Further information regarding this objective can be found in the Licensing Policy, pages 25-28.

6.1.3 Representation has been received raising concerns with regard to this objective.

6.2 Public Safety

6.2.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 12 of their application in Appendix 1 attached to this report.

6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 29-31.

6.3 Prevention of Public Nuisance

6.3.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 12 of their application in Appendix 1 attached to this report.

6.3.2 Further information regarding this objective can be found in the Licensing Policy, pages 32-34.

6.3.3 Representation has been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

6.4.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 12 of their application in Appendix 1 attached to this report.

6.4.2 Further information regarding this objective can be found in the Licensing Policy, pages 35-38.

6.5 Other Licensing Policy Issues/Statutory Provisions

6.5.1 These are detailed in Appendix 1 page 12, under the heading of General.

7. **FURTHER INFORMATION & CLARIFICATION**

7.1 A location plan is attached to the report as Appendix 4.

8. **RECOMMENDATIONS**

8.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, Statement of Licensing Policy, our Cumulative Impact Policy and the information contained within this report and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6, and attach such conditions considered necessary.

8.3 That the Sub-Committee provides the reasons for its decision.

SERVICE DIRECTOR NEIGHBOURHOOD & ENVIRONMENT

The Angel
BRIGG
North Lincolnshire

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Date: 1 March 2010

Background Papers used in the preparation of this report Nil