

**Licensing Sub-Committee – 10 November 2005**

**TO DETERMINE THE FOLLOWING APPLICATION RECEIVED UNDER THE LICENSING ACT 2003 FOR A NEW PREMISES LICENCE WHEREBY RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED BUT MEDIATION HAS TAKEN PLACE WITH AMENDMENTS BEING MADE TO THE APPLICATION. AS A RESULT ALL PARTIES CONSIDER A HEARING IS UNNECESSARY.**

**Report of the Licensing Manager**

**Statutory Powers:** Licensing Act 2003

**Financial Implications:** There are no direct financial implications to the Council from this Report

**Purpose**

To determine an application for a New Premises Licence for the below named premises in accordance with Section 18 of the Licensing Act 2003.

There is a link to the Council's priorities of CP2: 'Creating the conditions for the growth and maintenance of quality economic activity' and CP3: 'Maintaining the district's distinctive environment whilst enabling access and sensitive development'.

**RECOMMENDATION**

**That the Sub-Committee consider the application for a new style Premises Licence together with the amendments agreed following representations and to make a determination in respect of this applications, namely to:**

- i grant the application as submitted, subject to any Mandatory Conditions required;**
- ii modify the conditions;**
- iii exclude any of the licensable activities to which the application relates;**
- iv to refuse to specify a person in the licence as the premises supervisor;**
- v reject the application,**

**in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.**

**Background / The Issues****Summary of Applications**

1. The following application has been received for a new style premises licences.

2. The premises in question is a take away supplying hot food or hot drinks between the hours of 11pm and 5am and as such under the new Licensing Act requires a new style premises licence. As regards this application only interested parties or responsible authorities may make representations.
3. The below premises have received relevant representations and following mediation, agreement has been reached to amend the application, for example reducing the hours asked for or including additional conditions to achieve the four licensing objectives.
4. Parties have agreed, subject to the amendment conditions being implemented on the licence that a hearing is unnecessary.
5. The Government has announced 24<sup>th</sup> November 2005 as the date when the new style licences will come into effect and subsequently Interested Parties or Responsible Authorities will still be able to ask for a review of a licence if the Licensing Objectives are not met.

**List of Premises for consideration with appendices containing the Application for a new licence form (Appendix A) and the agreed amendments to achieve the licensing objectives (Appendix B).** (please note that due to the vast amount of paperwork contained within these appendices, full copies have only been circulated to the Sub-Committee Members. Any interested parties who would like to receive full (or part) copies are asked to contact Member Support Services on (01803) 861273).

### **Totnes**

New Hung Toa Take Away, 20 Leechwell Street, Totnes.

### **Risk Assessment**

7. The Sub-Committee will, in considering the applications and any representations have to give consideration to the licensing objectives contained within the Licensing Act 2003 of:
  - a) The prevention of Crime and Disorder;
  - b) Public Safety;
  - c) The prevention of public nuisance; and
  - d) The Protection of children from harm.
8. In addition, due consideration should also be given to the Council's Licensing Policy Statement.
9. Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.

### **Conclusion**

10. Interested Parties / Responsible Authorities who have made representations are satisfied that the implementation of the agreed variations will satisfy the licensing objectives. The granting of the amended variation will not set the licence in stone. Parties can request a review of the licence at any time after 24<sup>th</sup> November 2005 if the objectives are not met.

Graham Munson  
Licensing Officer

Licensing Sub-Committee  
10<sup>th</sup> November 2005

Ian Bollans  
Head of Environmental Health

Paula Brooks  
Strategic Director (Operations)

**Background Documents:**

- Licensing Application for the variation of the new style Premises Licence.
- Representations received from those residents or those having businesses in the vicinity of the premises to be licensed (where applicable) and written agreement agreeing the proposed amendments addressing the licensing objectives, agreeing a hearing is unnecessary.
- Representations received from Responsible Authorities (where applicable) and written agreement agreeing the proposed amendments addressing the licensing objectives, agreeing a hearing is unnecessary.
- Written agreement from the applicant agreeing to the proposed amendments and that a hearing is unnecessary.
- Guidance on Meeting the Licensing Objectives.
- Guidance issued under Section 182 of the Licensing Act 2003.
- The District Council's Statement of Licensing Policy.