

Report of	Meeting	Date
Director of People and Places	Licensing Act 2003 Sub-Committee	14 January 2013

APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003. PANSHI, 24 TOWN ROAD, CROSTON, PR26 9RB.

PURPOSE OF REPORT

- To enable Members to determine an application for a new premises licence for Panshi, 24 Town Road, Croston, PR26 9RB.

RECOMMENDATION(S)

- Members are requested to consider the application and any representations received, after considering those representations determine the outcome for the application for the Premises Licence.

Confidential report Please bold as appropriate	Yes	No

BACKGROUND

- The Licensing Authority has received an application under Section 17 of the Licensing Act 2003 to apply for a Premises Licence from Alawar Rahman for the premises Panshi, 24 Town Road, Croston. The application is attached as appendix 1.
- The premises currently operates as a 56 cover restaurant operating on a “Bring your own bottle” basis to allow the consumption of alcohol with table meals. The applicant wishes to extend the provisions of the business to offer the sale of alcohol, no further licensable activities have been applied for.
- Should the application be granted as applied for there will be no difference in the current operating hours of the premises, the grant of a licence would in reality allow the authority to place conditions on any licence granted to ensure that proper controls are in place. The current “Bring your own bottle” system does not allow adequate management control over the consumption of alcohol by patrons.
- The application could have an impact on several of the Council’s Corporate Priorities. It should be borne in mind however, that the application must be determined in accordance with the Licensing Act 2003, the Council’s Statement of Licensing Policy (relevant sections of which have been reproduced at Appendix 2) and the statutory guidance issued under Section 182 of the Licensing Act 2003.
- The application seeks to grant a new premises licence with the following licensable provisions;

Licensable Activity	Days	Proposed times

Supply by retail of alcohol	Sunday – Thursday	12:00 – 21:30
	Friday & Saturday	12:00 – 22:30

Representations from the Responsible Authorities.

8. No representations have been received from any responsible authorities in relation to the granting of this licence.
9. Whilst no representations have been received from any responsible authorities, Lancashire Constabulary have agreed a set of proposed conditions (Appendix 3) with the applicant to be attached to the licence.

Representations from Other People.

10. Representations (Appendix 4) have been received from the owners of the above premises and concern (Appendix 5) was raised by the current tenant, this concern has been noted although the letter does not actually object to the granting of the licence, as such Members should not consider it when deliberating over the application.
11. Public Protection Officers visited those who wished to object to the granting of the licence, in order to further understand what the key issues were and whether any mediation may be possible to resolve these concerns.
12. The representations focus around the licensing objective of Prevention of public nuisance, mainly associated with noise and odours emanating from the business, other management issues were also discussed relating to waste management and public health. A number of other issues are contained within the representations, which are not considered to be relevant under the Licensing Act 2003 and may be better raised with other authorities under other enacted legislation.
13. The representations make reference to the previously held premises licence for the premises being revoked, this information is not considered to be relevant when determining the new application, due to changes in management.
14. Whilst the existence of a previous licence shall not affect the outcome of this application, Members should be informed that the previous licence did not permit the sale of alcohol for the same period. The terminal hour for alcohol on each day was half an hour less than each day applied for in this application. It is thought that the reason for these timings was to coincide with the permitted use of the building under planning constraints, which condition that the building can only be used until 21:30 Sunday to Thursday and 22:30 Friday and Saturday, reducing the licence half an hour would afford patrons adequate drinking up time, the current application does not allow for such time within the permitted hours of the building. Whilst planning conditions are attached to the permitted use of the building, they are of no relevance when determining this application and should not be considered by members.
15. All parties to this application have been invited to attend the hearing under the Licensing Act 2003 (Hearing) Regulations 2005, to make representation.
16. Members are asked to determine the application, having had considered the representations received and having regard to the Authorities Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
17. The relevant issue from a licensing perspective is how the application impacts on the four licensing objectives and whether the granting of the application would

compromise those objectives. The Committee is aware that they have the power to grant the application, grant the application with less hours than those requested, refuse the application or impose conditions which are reasonable and proportionate and relate to the licensing objectives.

WIDER IMPLICATIONS

18. In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

LEGAL	<p>The Council is the Licensing Authority under the Licensing Act 2003 and must determine licence applications.</p> <p>The applicant or any person who made relevant representations has the right of appeal to the magistrates' court within 21 days of notification of the decision.</p>
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Jamie Carson
DIRECTOR OF PEOPLE & PLACES

Appendix 1 – Application to grant a premises licence.

Appendix 2 – Relevant Sections of Statement of licensing policy.

Appendix 3 - Lancashire Constabulary agreed conditions

Appendix 4 – Representations

Appendix 5 – Letter of concern

Report Author	Ext	Date	Doc ID
Matthew Swift	5726	10/09/12	