

## LICENSING SUB-COMMITTEE

22 JULY 2015

<b>Application Type:</b>	Application for a new Premises Licence	
<b>Ward:</b>	Onslow	<b>Ward Councillors:</b> Cllr Adrian Chandler Cllr David Goodwin Cllr Tony Phillips
<b>Applicant:</b>	Hamid Rezaei, 34 Dairymans Walk, Guildford, Surrey, GU4 7FE	
<b>Premises:</b>	Mobile Catering Van, Egerton Road, Guildford, Surrey	
<b>Proposal:</b>	A new premises licence to allow: <ul style="list-style-type: none"> <li>• The provision of late night refreshment</li> </ul>	

### 1. SITE LOCATION AND HISTORY

1.1 The premises is a mobile catering van located on Egerton Road between the Royal Surrey County Hospital and a large superstore.

1.2 A site location map is attached at **Appendix 1**.

1.3 Another mobile catering van has a licence for Egerton Road which has been in force since the commencement of the Licensing Act 2003 in November 2005.

### 2. APPLICATION

2.1 The applicant states the application is for a mobile catering van which will sell hot food such as kebabs, burgers and chips. The application form, a copy of which is attached as **Appendix 2**, gives the following information in relation to the application

#### 2.2 Licensable activities:

- Provision of late night refreshment

#### 2.3 Proposed hours:

The table below shows the licensable activities and requested hours: as shown in the application form

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>(1) Provision of late night refreshment</b>							
<b>Indoors</b>	23:00 – 02:00	23:00 – 02:00	23:00 – 03:00	23:00 – 02:00	23:00 – 04:00	23:00 – 04:00	23:00 – 02:00
<b>Times premises are open to public</b>							
	18:00 – 02:00	18:00 – 02:00	18:00 – 03:00	18:00 – 02:00	18:00 – 04:00	18:00 – 04:00	18:00 – 02:00

#### 2.4 Promotion of the four licensing objectives

In relation to the licence application, the applicant has listed the following steps to promote the four licensing objectives. Should the licence be granted, these will need to be converted to appropriate, proportionate and enforceable conditions.

1. I will make sure that I keep an eye on my customer's safety and report any crime that I witness to the police.
2. I will make sure that all of the food and drinks I sell are safe to the public and that I keep the area and road clean at the end of the day
3. I will supply my customers with a rubbish bin to throw their rubbish into.
4. I will not turn the volume of the television too high and cause public nuisance.

## **2.5 Consultation period and advertisement of the application**

The application was accepted as valid on 13 May 2015, with the consultation period running from 14 May 2015 to 10 June 2015. The applicant failed to advertise the last date for representations so the consultation period was extended until 25 June 2015.

## **3. RELEVANT REPRESENTATIONS RECEIVED DURING CONSULTATION PERIOD**

### **(i) There were no representations from Responsible Authorities**

### **(ii) Representations from other persons**

Two relevant representations, mainly on the grounds of prevention of public nuisance, were received from other persons which are attached as **Appendix 3**.

## **4. LICENSING POLICY**

The following sections of the Council's Licensing Policy are relevant:

- Section 5: (Fundamental Principles)
- Section 11: Paragraphs 11.1 – 11.6 (Prevention of Nuisance)
- Section 13: Paragraphs 13.1 – 13.4 (Licensing hours)

## **5. NATIONAL GUIDANCE**

The following sections of the Guidance issued in March 2015 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraphs 2.14-2.20 – Public nuisance
- Paragraphs 9.30-9.40 – Hearings
- Paragraphs 9.41-9.43 – Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraphs 10.1-10.68 – Conditions

## **6. RECOMMENDATION:**

- (I) The Sub-Committee are requested to consider the application for the grant of a premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 18(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions.
- (III) Having regard to the relevant representations made during the consultation period, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:

- To impose additional conditions on the licence which are appropriate for the promotion of the licensing objectives, proportionate and which deal with the concerns of those making representations;
- To exclude any of the licensable activities from the scope of the licence; or
- To reject the application.

Originator:

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