

## LICENSING SUB-COMMITTEE

Thursday 24 September 2015

<b>Application Type:</b>	Application for a new <b>Premises Licence</b>	
<b>Ward:</b>	Onslow	<b>Ward Councillors:</b> Cllr Adrian Chandler Cllr David Goodwin Cllr Tony Phillips
<b>Applicant:</b>	Mr Jamie KOC 24 Ashbury Drive, Reading RG31 5LJ	
<b>Premises:</b>	Mobile Catering Van at the roundabout outside Guildford Cathedral - grass area on left after exit on to A3, before university entrance, 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

The premise is a mobile catering van located on the roundabout outside Guildford Cathedral - grass area on left after exit on to A3, before university entrance.

1.1 A site location map and aerial photograph attached at **Appendix 1**.

### 2. APPLICATION

2.1 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 at **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>Provision of late night refreshment</b>							
<b>Indoors</b>	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 04:00	23:00 – 04:00	23:00 – 01:00
<b>Times premises are open to public</b>							
	18:00 – 03:00	18:00 – 03:00	18:00 – 03:00	18:00 – 03:00	18:00 – 04:00	18:00 – 04:00	18:00 – 01:00

#### 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 and staff are train to deal with crime and disorder.  
Police will be informed of any crime or disorder  
Food packaging is safe and harmless  
CCTV monitors.
2. Customers are far away from the road.  
Customers will be provided with help if needed
3. Customers will be advised to keep the noise down.  
Bins will be provided  
Clean up outside after work every day
4. Children will be served first.  
Make sure they are accompanied by an adult

## 2.5 Consultation period and advertisement of the application

The application was accepted as valid on 3 August 2015, with the consultation period running from 4 August 2015 to 31 August 2015.

## 3. RELEVANT REPRESENTATIONS RECEIVED DURING CONSULTATION PERIOD

- 3.1 There have been two (2) representations received raising concerns regarding the application and the suitability of the location.
- 3.2 Ann Seviour-Harte (Occupational Health and Safety Officer) of Guildford Borough Council and Inspector Graham Barnett of Surrey Police both representing Responsible Authorities (**see Appendix 3**) Representations relate to the potential danger to pedestrians, in addition to general road and public safety issues.
- 3.3 Home Office guidance states that "Licence holders have a responsibility to ensure the safety of those using their premises"; Environmental Health have raised the issue of public safety of those using the van, and Surrey Police have concerns relating to the van being placed on a blind spot for vehicles coming off the slip road from the A3. None of the other issues raised appear to engage the licensing objectives.
- 3.4 The Sub-Committee should also note that no licence is required for operation of the van between the hours of 18:00 and 23:00.

## 4. LICENSING POLICY

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

- Section 5: (Fundamental Principles)
- Section 10: Paragraphs 10.1 – 10.8 (Public Safety)
- 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 2.06- 2.08 – Public Safety
- Paragraphs 9.30- 9.40 – Hearings
- Paragraphs 10.01-10.68 – Conditions

## 6. RECOMMENDATION:

- (I) The Sub-Committee is asked 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;
  - To reject the application.

Originator:

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