



AGENDA ITEM:

LICENSING SUB-COMMITTEE

Date: 23 May 2018

Report of: Director Of Leisure And Environment

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SUBJECT: APPLICATION FOR PREMISES LICENCE IN RESPECT OF NAAZ RESTAURANT, 140 STATION ROAD, HESKETH BANK

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) for a Premises Licence in respect of Naaz Restaurant, 140 Station Road, Hesketh Bank.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 APPLICATION INFORMATION

- | | | |
|-----|--------------------------------|---|
| 3.1 | Address of Premises: | Naaz Restaurant
140 Station Road
Hesketh Bank
PR4 6SR |
| 3.2 | Premises Licence Holder: | Parveen Goni Limited
63 Johnson Street
Blackburn
BB2 1HD |
| 3.3 | Designated Premise Supervisor: | Mohammed Usman Goni
17 Armitage Close
Oldham
OL8 4LG |

4.0 THE APPLICATION

- 4.1 On 29 March 2018 an application for Premises Licence was received, a copy of which is attached as Appendix 1 to this report.
- 4.2 A location plan is attached at Appendix 2 to this report.
- 4.3 There has been a relevant representation received against the grant of the application received from Lancashire Constabulary. This is attached as Appendix 3 to this report.

5.0 RELEVANT REPRESENTATION

- 5.1 The representation from Lancashire Constabulary (Appendix 3) raises concerns that the Police have no faith in the applicant to successfully manage and operate a safe venue. The representations are made under the Crime and Disorder, Public Safety and Protection of Children from Harm Licensing Objectives.

6.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

- 6.1 The Local Authority must have regard to the provisions of the Licensing Act 2003. In addition Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.
- 6.2 As Members will be aware, the four licensing objectives are as follows:
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 6.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.
- 6.4 The Licensing Authority in determining the application, having had regard to the application and any representations, may take the following steps if it considers it necessary for the promotion of the licensing objective:
- (i) Add conditions in respect of the New Application.
 - (ii) Refuse a licensable activity from the New Application
- 6.5 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.

6.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 4	The Prevention of Crime & Disorder	pages 10-12
Section 4	Public Safety	pages 12-14
Section 4	The Protection of Children from harm	pages 17-19

7.0 HUMAN RIGHTS ACT IMPLICATIONS

7.1 The Human Rights Act 1988 makes it unlawful for a Local Authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention rights;

Article 6

that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;

Article 8

that everyone has the right to respect for his home and family life;

Article 1 of the First Protocol

that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 The recommendations contained in this report have limited sustainability and/or community strategy implications. However, the Council's Licensing Policy (required under the Licensing Act 2003), which underpins the Committee's decision, impacts upon many areas within the Community. The Licensing Objectives contained in the Policy fit closely with many aspects of the Community Strategy and has the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D); Health and Social Care (issue A).

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 No additional financial or other resources are required.

10.0 RISK ASSESSMENT

10.1 The Council has a legal duty to administer the Licensing Act 2003 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

Background Documents

There are no background documents (as defined in Section 100 D (5) of the Local Government Act 1972) have been relied on to a material extent in the preparation of this report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Premises licence application

(Appendix 1)

Location plan

(Appendix 2)

Representation

(Appendix 3)