



## Licensing (Liquor and Gambling) Panel – Monday 21 December 2015

### Application for a Review of the Premises Licence at Bengal Brasserie, 10 The Bullring, Church Walk, Thrapston Northamptonshire NN14 4NP

#### Purpose of report

Application to review the Premises Licence at Bengal Brasserie, 10 The Bullring, Church Walk, Thrapston, Northamptonshire NN14 4NP

#### Attachment(s)

- Appendix A - Application form for review
- Appendix B - Map of Area
- Appendix C - Representations
- Appendix D - Current licence

#### 1.0 Summary

- 1.1 An application to review the premises licence at the Bengal Brasserie was received on 2 November 2015 from Northamptonshire Police. The appropriate Blue Notice was displayed on the premises during the required consultation period.

#### 2.0 Application details

- 2.1 The matters for which a review to the premises licence is sought, relate to the prevention of crime and disorder licensing objective. The main reason for the review request is for knowingly allowing a number of persons to work illegally at the premises.

#### 3.0 Consultations

The following Consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Police	Review applicant
Trading Standards	No representation
Revenues and Customs	No representation
Health Authority	No representation
Thrapston Town Council	No representation
Environmental Protection	No representation
Health Protection	No representation
Licensing	Representation
Planning	No representation
Public	No representation

- 3.1 The Licensing Enforcement Officer has submitted a representation to support the review application. The representation relates to a Licensing Inspection held at the premises on 6 November 2015. The Licensing Enforcement Officer has concerns with regard to the Premises Licence Holder's understanding of the Licensing Act 2003.

See Appendix C for full representation.

## **4.0 Determination**

- 4.1 The Panel must carry out its functions to promote the licensing objectives having regard to:
- Licensing Policy
  - S182 Guidance
- 4.2 The Act states that following a hearing the Panel may take the following actions if they deem them necessary to promote the licensing objectives:
- a) no action necessary as no steps required to promote the licensing objectives;
  - b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
  - c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
  - d) excluding a licensable activity from the licence;
  - e) remove the designated premises supervisor,
  - f) suspend the licence for a period not exceeding three months;
  - g) to revoke the licence.

## **5.0 Policy Considerations**

- 5.1 This section highlights the elements of the licensing policy that are most relevant with respect to this application. This is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications:-
- 2.13 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
  - 2.14 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. Health and Safety at Work and Fire Safety legislation).

## **6.0 Section 182 Guidance Considerations**

Section 11.24 to 11.28 highlights the elements of section 182 Licensing Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications:-

### **6.1 Committee Consideration**

Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no

need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

## 7.0 Legal Implications

7.1 A legal Officer will be present at the hearing to outline and legal matters that need to be taken into consideration.

## 8.0 Equality and Diversity Implications

8.1 There are no equality and diversity implications

## 9.0 Financial Implications

9.1 There are no financial implications at this stage.

## 10.0 Staff

10.1 There are no staffing implications

## 11.0 Risk Management

11.1 There are no material risks

## 12.0 Corporate Outcomes

12.1 The following corporate outcomes would be delivered

- Good quality of life
- Effective partnership working
- Good reputation
- Strong community leadership
- Knowledge of our customers and communities

## 13.0 Invitation to determine

13.1 The panel is asked to consider the information detailed above and determine the review application.

<b>Legal</b>	Power: Licensing Act 2003				
	Other considerations: Section 182 Guidance; Statement of Licensing Policy				
<b>Background Papers:</b> None					
<b>Person Originating Report:</b> Jenny Walker Interim Health Protection Manager <a href="mailto:jwalker@east-northamptonshire.gov.uk">jwalker@east-northamptonshire.gov.uk</a> 01832 742066					
<b>Date:</b> 1 December 2015					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)