

Report to **Licensing Sub-Committee**
Date of **31st March 2020**
meeting
Author Paula Barnshaw Licensing Administration
 Officer



DECISION REQUIRED

Not exempt

Report Title: Application for a Premises Licence at MT
 8848 Nepalese Cuisine, 449 London Road,
 Camberley GU15 3JA submitted by Parbati
 Thapa of MT.8848 Ltd

SUMMARY

The report presents the application for a new Premises Licence relating to MT.8848 - Nepalese Cuisine, 449 London Road, Camberley GU15 3JA. The Licensing authority is required to hold a hearing to determine this premises licence application because relevant representations have been received.

The purpose of the hearing is for the Licensing Sub-Committee to consider the Application, in relation to the Licensing Act 2003's Licensing Objectives. The Licensing objectives being:

- 1 The prevention of crime and disorder
- 2 Public safety
- 3 The prevention of public nuisance
- 4 The protection of children from harm

Copies of the application, relevant representations and other correspondence received to date are attached to this report.

RECOMMENDATIONS

The Sub-Committee is recommended:

- i) To determine the premises licence application.

REASONS FOR RECOMMENDATIONS

- i) The Sub Committee is required to make a decision under the Licensing Act 2003

BACKGROUND INFORMATION

1 INTRODUCTION

The purpose of this report

- 1.1 For the Sub-Committee to determine the application for a Premises Licence in respect of MT 8848 Nepalese Cuisine, 449 London Road, Camberley GU15 3JA. The application is submitted under Section 17 and determined under Section 18 of the Licensing Act 2003.

1.2 Background of the premises

Statutory background

- 1.3 The Licensing Act 2003 and secondary legislation in the form of Regulations there under.

Relevant Government policy

- 1.4 Guidance issued under section 182 of the Licensing Act 2003. (Effective from October 2014)

Relevant Council policy

- 1.5 Statement of Licensing Policy.

2. DETAILS

Application

- 2.1 The application is made by Parbati Thapa on behalf of MT.8848 Ltd, 449 London Road, Camberley GU15 3JA and relates to the restaurant at the same address. A Copy of the application is included and attached at Annex 1.
- 2.2 The application is for the supply of alcohol for consumption on the premises (11:00 to 22:30), the provision of live music (20:00 to 23:00) and recorded music (11:00 to 23:00) daily. The provision of late night refreshment is not included in the application.

Grounds for the Hearing

- 2.3 'Other Persons' contend that the carrying on of licensable activities at the premises could lead to the following licensing objectives being seriously undermined:

iii) Prevention of public nuisance;

Responsible Authority Representations/Comments

2.4 Details of Responsible Authority representations received:

2.4.1 **Police**

No representations.

2.4.2 **Fire**

No representations.

2.4.3 **Local Planning Authority**

No representations.

2.4.4 **Environmental Health**

No representations.

2.4.5 **Child Protection Agency**

No representations.

2.4.6 **Licensing Authority**

The application was submitted on 09 January 2020. The application was completed correctly and advertised as required by the Licensing Act 2003.

2.4.7 **Health and Safety Executive**

No representations.

Any Other Person – Representations

2.5 Details of 'any other person'. A total of 2 valid representations have been received from 'other persons.' A Copy of the representations are also included and attached at Annex 2. The representations are relevant and relate to one of the four licensing objectives specifically the prevention of public nuisance.

Policy Considerations

2.6 Details of relevant policy considerations, including local policy statement:

Paragraphs 1 – 89, 95 – 138 of the Council's Licensing Policy Statement are applicable to the consideration of this application.

3. NEXT STEPS

3.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives.

- 3.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under Section 182 Licensing Act 2003, as amended, and the Council's own Licensing Policy.
- 3.3 The Sub-Committee must have regard to all the representations made and the evidence it hears.
- 3.4 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- To grant the licence subject to conditions
 - To exclude a licensable activity or amend timings to which the application relates
 - To reject the application
- 3.5 The Sub-Committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY**
- 4.1 Human Rights and Equality issues will be taken into account on the determination of the Application by balancing the competing rights of the applicant, responsible authorities and 'other persons'.

Attachments:

Annex 1: Application for a Premises Licence

Annex 2: Representations from 'any other persons'