

## LICENSING APPLICATION – LICENSING ACT 2003

### 1 SUMMARY

- 1.1 This report introduces an application for Grant of a Premises Licence made under section 17 of the Licensing Act 2003.
- 1.2 The application must be determined within 5 working days of the conclusion of the hearing on 19 December 2005, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

### 2 BACKGROUND

- 2.1 The application was given to the Licensing Authority by Anthony Flaherty (Licensing Consultant) on behalf of Mehmet Asan (the applicant) and refers to premises known as Ali Baba's Pizza & Kebab & Takeaway of 45 Eastwood Road, Rayleigh, SS6 7JQ.
- 2.2 Appendix A consists of a copy of the original application form with copies of amendments to the original attached as sub-appendices, where relevant.

#### Description of Premises

- 2.3 The premises to which the application relates are a brick purpose built building with the ground floor as the shop, and residential accommodation above. It is situated in the town centre area and located on Eastwood Road, a side road off the main High Street.
- 2.4 There are 36 seats available for customers to eat inside, as well as the facility to take food away.
- 2.5 Appendix B consists of a copy of the plan of the premises.

### 3 APPLICATION

- 3.1 The application is made in accordance with section 17 of the Licensing Act 2003 and The Licensing Act 2003 (Premises Licence and Club Premises Certificates) Regulations 2005.
- 3.2 The following licensable activities and hours of opening for the premises are being applied for: -

Activity	Time/s	Days
Provision for late night refreshments only	(a) 2300 hrs – 2400 hrs	(a) Sunday to Thursday
	(b) 2300 hrs – 0130 hrs	(b) Friday & Saturday

Hours of opening	(a) 1130 hrs – 2400 hrs (b) 1130 hrs – 0130 hrs	(a) Sunday to Thursday (b) Friday & Saturday

### **Amendments to the Application**

3.3 There are no amendments to the original application.

### **Conditions**

3.4 The matters listed in the relevant sections of part 3 of the application form will be converted into new conditions on the varied premises licence, as will those arising from compromises reached prior to the hearing and any additional or amended conditions arising from the Sub-Committee's determination.

## **4 REPRESENTATIONS**

4.1 Representations have been received from one responsible authority, namely the Local Planning Authority, concerning issues of Crime & Disorder and Public Nuisance.

4.2 No other representations have been received.

4.3 Appendix C consists of a copy of the representation received.

## **5 NOTICES**

5.1 All parties involved have been served with the relevant notices and documentation required by paragraphs 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005.

5.2 The notices and documentation included an explanation of the rights of persons to attend hearings and to be represented, to give evidence and to call witnesses, the consequences of not attending, the procedure to be followed at a hearing, and, for applicants only, a copy of all relevant representations made.

5.3 Paragraphs 8 and 9 of the regulations require that parties notify the Licensing Authority, no later than 5 working days before the hearing, of those matters mentioned in paragraph 5.2 above. A pro-forma and pre-paid envelope was included for that purpose with the notices and documentation mentioned in paragraph 5.2 above.

5.4 At the time of drafting this report, there has been no response from any of the parties.

5.5 It is not known whether or not the applicants will be represented.

## 6 POLICY CONSIDERATIONS

### Legal Provisions

- 6.1 The provisions of Licensing Act 2003, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 Licensing Act 2003 and the Statement of Licensing Policy, approved by Full Council for the period 7 January 2005 – 6 January 2008 need to be considered by Members in determining the application.

## 7 OPTIONS

- 7.1 The following options are available to Members: -

- (a) Grant the application subject to such conditions as are consistent with the operating schedule, modified to such extent as Members consider necessary for the promotion of the licensing objectives.
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates.
- (c) Reject the application.
- (d) Subject to paragraphs 11 - 13 of the Licensing Act 2003 (Hearings) Regulations 2005, adjourn the hearing to a specified date or arrange for a hearing to be held on specified additional dates, where Members consider this to be necessary for their consideration of any representations or notice made by a party.

## 8 RECOMMENDATION

- 8.1 It is proposed that the Sub-Committee **RESOLVES**

To determine the application, having considered all representations made at the hearing.

G Woolhouse  
Head of Housing, Health & Community Care

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**Background Papers: -**

None

For further information please contact Kevin Doyland on: -

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