

Cherwell District Council

Licensing Sub-Committee

Tuesday 17 March 2020

Premises Licence Review Hearing

Report of Environmental Health & Licensing Manager

This report is public

Purpose of report

To consider an application for a review of a Licensing Act 2003 premises Licence for Jaflong Restaurant, Bicester.

1.0 Recommendations

- 1.1 There is no recommendation, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are outlined in paragraph 6.2.

2.0 Introduction

- 2.1 To consider an application for a review of the premises licence for Jaflong Restaurant, Bicester submitted by the Home Office.

3.0 Report Details

- 3.1 Jaflong Restaurant is situated in the market square in Bicester town centre.
- 3.2 An application for a Licensing Act 2003 review of the premises licence was submitted to Cherwell District Council on 5 February 2020 (Appendix 1). The application was made on the grounds that the licence holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at the premises.
- 3.3 On 19 February 2020 the Licensing Authority submitted a representation regarding concerns of non-compliance with the licensing objectives. (Appendix 2).

4.0 Conclusion and Reasons for Recommendations

4.1 There is no recommendation.

5.0 Consultation

5.1 When an application for a review of a premises licence is submitted the applicant must display a blue notice at or near the relevant premises. The consultation period runs for 28 days from the day after the application is received. This gives interested parties and responsible authorities the opportunity to make representations in relation to the application.

5.2 The responses from responsible authorities were as follows:

- Police – No comments
- Fire Service – No response
- Child Protection – No response
- Trading Standards – No response
- Health & Safety Executive – No response
- Environmental Protection – No comments
- Health Protection – Satisfactory
- Planning – No comments
- Licensing Authority - Objection

5.4 The applicant and all interested parties submitting representations have been invited to attend this hearing.

6.0 Alternative Options and Reasons for Rejection

6.1 At the end of the consultation period the licensing authority must hold a hearing if relevant representations are received. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.2 The steps the Sub-Committee can take are to:

- issue the licence as applied for;
- issue the licence with amended hours or licensable activities
- reject the application if it is considered necessary in order to promote the licensing objectives

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by Kelly Wheeler, Principal Accountant, 01295 225170,
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7.2 Legal Implications

The decision must comply with the Licensing Act 2003, the statutory guidance issued pursuant to section 182 of the Licensing Act and the council's Statement of Licensing Policy.

The applicant or 'other persons' who have submitted 'relevant representations' may appeal to the magistrates' court a decision of the Sub-Committee.

Comments checked by Nick Graham Solicitor, 0300 003 0106,
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8.0 Decision Information

Wards Affected

Bicester East

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Councillor Andrew McHugh

Document Information

Appendix No	Title
Appendix 1	Premises Licence Review Application & Supporting Documents
Appendix 2	Licensing Authority Representation
Background Papers	
None	
Report Author	Michael Sands, Licensing Enforcement Officer
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