

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	11 OCTOBER 2011
TITLE OF REPORT:	REVIEW OF A PREMISES LICENCE: JALSAGAR RESTAURANT, 60 ST OWENS STREET, HEREFORD. HR1 2PU.
PORTFOLIO AREA:	HEALTH & WELLBEING SERVICE

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider a review of a premises licence in respect of the Jalsagar Restaurant, 60 St Owens Street, Hereford, HR1 2PU.

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The Police application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Application received from the Police on 30 August 2011.

Options

1 There are a number of options open to the committee:

- the modification of the conditions of the premises licence;
- to exclude a licensable activity from the scope of the licence;

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Reasons for Recommendations

2 Ensures compliance with the Licensing Act 2003.

Background Information

Applicant	David Shaw – Chief Constable of the West Mercia Constabulary, c/o Police Station, Bath Street, Hereford.	
Premise Licence Holder	Mrs Wahida Khatun 14 Eleanor Avenue, Hereford, Herefordshire HR1 1YE	
Solicitor	Not known	
Type of application: Review	Date received: 30 August 2011	28 Days consultation 27 September 2011

3 The grounds for the review:

Can be found in Appendix 1 Page 3

4 The information submitted to support the grounds:

Can be found in Appendix 1 Page 4

5 **Current Licence**

The current licence authorises the following licensable activities during the hours shown: -

Provision of Late Night Refreshment; Sale by retail of alcohol

On weekdays, other than Christmas Day, Good Friday or New Year's Eve: from 10 am to 12 midnight.

On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm

On Christmas Day: 12 noon to 11:30pm; For residential licence only from 12 noon to 10.30 with a break of four hours beginning at 3pm.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

6 **Representations**

Copies of the application have been sent to the responsible authorities.

No further representations have been received

Key Considerations

- 7 The licensing authority must take into account any relevant representations made. Relevant representations are those that:
- relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

Community Impact

- 8 There is likely to be little outcome on the Community.

Legal Implications

- 9 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 10 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until that appeal is disposed of.

Consultees

- 11 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 12 The notice of review was displayed on the premises. The notice was also displayed at the offices of the Licensing Authority at Bath Street.

Appendices

- 13 Appendix 1. Review Application Form

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.