

**WORCESTER CITY COUNCIL
LICENSING SUB-COMMITTEE**

11 FEBRUARY 2019

LICENSING ACT 2003

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

KAYS

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Niall McMenamin Senior Practitioner (Licensing) 01905 822799 enquiries@worcsregservices.gov.uk
Ward(s) affected:	Cathedral
Appendices:	Appendix 1 – Application Form Appendix 2 – Representation from The Police Appendix 3 – Representation from Public Health Appendix 4 – Representation from Worcester Municipal Charities

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for grant of a premises licence in respect of

**Kays
26 The Cross
Worcester
Worcestershire
WR1 3PZ**

A copy of the application and plan of the premises can be seen at **Appendix 1.**

2. BACKGROUND

2.1 On 28 November 2018 an application was received from Mr Khalid Mahmood for grant of a premises licence in respect of:

Kays
26 The Cross
Worcester
Worcestershire
WR1 3PZ

2.2 The application contained all the requisite documentation including the fee and a plan of the premises.

2.3 It can be confirmed that the application has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and that the application has also been served on all responsible authorities.

2.4 The applicant is applying for the following licensable activities:

Activity	Days	From	To	Indoors/Outdoors
Late Night Refreshment	Friday to Saturday	23:00	- 05:00	Indoors
Late Night Refreshment	Sunday to Thursday	23:00	- 00:00	Indoors

2.5 In their application, the applicant has described the premises as a take-away that offers fast food & drink. There is seating for eat-in customers (18 seats), take-away, collection and delivery services. There is a kitchen located at the back of the premise, separate to the restaurant seating by a locked door. In the storeroom and kitchen food is stored; in the kitchen food is prepared and then served over the counter. The applicant has stated that there is no alcohol and there will not be any alcohol served in the premises.

2.6 Office records indicate that the premises was previously licensed and premises traded under the name of Chicks. The licence permitted the following licensable activities:

Activity	Days	From	To	Indoors/Outdoors
Late Night Refreshment	Friday to Saturday	23:00	- 05:00	Indoors
Late Night Refreshment	Thursday	23:00	- 04:00	Indoors
Late Night Refreshment	Sunday to Wednesday	23:00	- 03:00	Indoors

- 2.7 Office records further indicate that the above licence lapsed, as the limited company which held the premises licence was dissolved in 2016.
- 2.8 Members should note that this application has been submitted for a premises which is situated in an area of the city located within the Council's special policy relating to the cumulative impact of licensed premises. The special policy is set out in chapter 12 of the Council's Statement of Licensing Policy.
- 2.9 In accordance with the special policy, where relevant representations relating to cumulative impact have been received, any application for grant of a new premises licence or club premises certificate (or any application for variation of an existing licence) which would add to the cumulative impact will normally be refused. It is for the applicant to show that the licensable activities which are being applied for will not add to the cumulative impact

3. REPRESENTATIONS

Responsible Authorities

- 3.1 West Mercia Police have made representations objecting to the grant of the premises licence on the grounds of all four licensing objectives. A copy of the Police's representations can be seen at **Appendix 2**.
- 3.2 Members should be aware that during the course of the application process, the Licensing team have been made aware of a complaint which has been made by the West Mercia Police. Information has been provided by the Police that the premises has been trading and undertaking licensable activities, without the appropriate premises licence being in place.
- 3.3 The Director of Public Health at Worcestershire County Council has also made a representation objecting to the grant of the premises licence on the grounds of all four licensing objectives. A copy of the representation received from the Director of Public Health can be seen at **Appendix 3**.

Other Persons

- 3.4 A representation has been made by Worcester Municipal Charities from the Warden of Berkely Court on behalf of it's residents, objecting to the grant of a premises licence on the grounds of the Crime and Disorder and Public Nuisance licensing objectives. A copy of the representation can be seen at **Appendix 4**.

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.
- 4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email wrsenquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

- 5.1 The Sub-Committee is obliged to determine this application with a view to 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.
- 5.2 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- 5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 5.4 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) Grant the application as requested
 - (b) Modify the conditions of the licence, by altering or omitting or adding to them.
 - (c) Reject the application in whole or in part.
- 5.5 The Sub-Committee is asked to note that it may not modify the 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.
- 5.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.

5.7 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.

5.8 The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

6.1 The Sub-Committee must consider and determine the application.