

Subject:	Determination of Application for the Review of a Premises Licence- Spice Master, 4 Burnley Road, Rawtenstall, BB4 8EN	Status:	For Publication
Report to:	Licensing Committee	Date:	Tuesday 22 nd August 2017
Report of:	Licensing Manager	Portfolio Holder:	Regulatory Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required: No	Attached:	No
Biodiversity Impact Assessment	Required: No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	To advise members of an application for the review of the premises licence pursuant to Section 51 of the Licensing Act 2003.
1.2	To request that members determine the application in accordance with the provisions of Section 52 of the Licensing Act 2003.

2. LICENSING OBJECTIVES

2.1. Members are reminded of the licensing objectives as follows:

- a. The prevention of crime and disorder
- b. Public Safety
- c. The prevention of public nuisance
- d. The protection of children from harm

2.2 Members are reminded that the duty of the licensing authority is to take steps which promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

3. BACKGROUND

- 3.1 The premises known as Spice Master has been licensed as a takeaway since the commencement of the Licensing Act in 2005. The premises is in a row of terraces of other businesses sited on a main road.
- 3.2 The premises licence was granted on 24th November 2005 to Mr Nozrul Ali. The licence was transferred to Mr Jamirul Haque with effect from 3rd March 2008 who has remained the licence holder since.
- 3.3 The current premises licence is appended at **Appendix A**. This licence authorises the provision of late night refreshment between the following:
 - Monday and Thursday- 2300hrs and 0100hrs
 - Friday and Saturday- 2300hrs and 0200hrs
 - Thursday to Sunday- 2300hrs and 0100hrs

- 3.4 A number of conditions were imposed on the licence by virtue of being consistent with the operating schedule. These are:
- The premises shall be equipped with appropriate firefighting appliances
 - Fire exit routes shall be kept clear at all times.

4. THE APPLICATION

- 4.1. The Licensing Authority, acting in its capacity as a responsible authority, served an application for a review of the premises licence which was received on 5th July 2017. A copy of this application is appended at **Appendix B**.
- 4.2 The application is based on the prevention of crime and disorder objective following a visit to the premises on 10th May 2017 where a person was arrested in relation to Immigration Offences.
- 4.3 A previous visit on 24th February 2017 by a number of officers had found a male behind the counter packing food. When the officers introduced themselves, the individual became aggressive and obstructive before being asked to leave the premises or the Police would be called.

5. REPRESENTATIONS

- 5.1 Since the receipt of the application, statutory notices have been displayed for a period of 28 days in accordance with the requirements of the Licensing Act 2003.
- 5.2 Members are advised that there were no representations received in respect of this application.

6. POLICY CONSIDERATIONS

The hearing should be guided by the Statement of Licensing Policy of Rossendale Borough Council, and any relevant provisions of national guidance. Reasons should be given from any departure.

7. CONCLUSION

- 7.1 | The decision should be based on the individual merits of the application. In accordance with Regulation 26(2) of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.
- 7.2 In accordance with Section 52(3) the authority must, having regard to the representations made, take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are to:

- a) modify the conditions of the licence (including add or remove conditions);
- b) exclude a licensable activity from the scope of the licence;
- c) suspend the licence for a period not exceeding three months;
- d) revoke the licence.

- 7.3 Where the authority takes a step mentioned in subsection a) or b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 7.4 If the Authority does not consider the steps above appropriate, it should take no further action against the licence.

Background Papers	
Document	Place of Inspection
Policy	Licensing and Enforcement Unit www.rossendale.gov.uk

Appendices	
Document	Appendix Number
Current Premises Licence	Appendix A
Application for the Review of a Premises Licence	Appendix B