



## Licensing of Alcohol and Gambling Sub-Committee

22<sup>nd</sup> November 2018

### Notice of decision

<b>Licence number:</b>	DAC 46576	<b>Application reference:</b>	M046576
<b>Application type:</b>	LA2003: Premises licence - New licence application		
<b>Applicant(s) name:</b>	Mr Abbas Cirkin		
<b>Premises:</b>	Mighty Bite 97 Akeman Street Tring Hertfordshire HP23 6AA		
<b>Summary of decision:</b>	Granted as applied for.		

#### Decision details:

##### The Application:

This application has been made for the Supply of Alcohol and Sale of Late Night Refreshment in accordance with the Licensing Act 2003.

The Committee note the background of this matter from the Licensing Case Officer's Report.

##### Outcome:

Upon hearing evidence from the Licensing Case Officer, the Applicant and interested parties, and also noting the background papers to this application, the Committee has resolved that the application for the supply of alcohol and sale of late night refreshment should be granted - on the basis that, the Applicant has demonstrated that he will be able to uphold the relevant licensing objectives by having provisions in place to minimise disturbance to others in the locality.

##### Evidence Considered:

In reaching its decision, the Committee has considered the Licensing Officers Report, the Applicant and interested parties and also the background papers contained within the Officers report.

##### APPLICANT:

The Applicant has stated in his application that they will have provisions in place to minimise disturbance to others in the locality by:

- Having CCTV in place;
- They will join the Challenge 25 Scheme;
- Ensure training is given to staff, in particular to have regard to under age sale of alcohol and prevention of disorderly behaviour;
- They will also have alcohol refusal records kept, and routinely monitored by the DPS
- They will maintain a close association with police and the Safe Neighbourhood Team.

Furthermore, at this hearing, the Applicant has confirmed that there have been no reports of Anti-Social Behaviour to date - that is linked to their business. They have been trading for a number of years and are responsible business persons.

##### INTERESTED PARTIES

The Committee has also heard from interested parties raising their objections to the granting of this license. They have stated that if customers were able to purchase alcohol with their takeaway, there would be a chance that some would consume the same alcohol in the vicinity which would have an impact on people living nearby. They further stated that, this business already attracts late night trade which frequently creates disturbance in the local area.

Whilst the Committee are somewhat sympathetic towards the concerns of the interested parties, nevertheless, it has failed to see such evidence to substantiate the complaints raised, moreover, it notes that no such complaints of Anti-Social Behaviour were ever recorded with the police or, that there is link of Ant-

Social Behaviour associated with these premises.

Furthermore, the Committee have noted that there have been no representations from Responsible Authorities namely; Police, Environment and Community Protection, Hertfordshire Fire and Rescue Services.

The Committee have also given due regard to the Statement of Licensing Policy and to the Statutory Guidance issued by the Home Office under Section 182 of the Licensing Act 2003.

In conclusion, whilst the Committee accept that there may have been some level of noise disturbance in the said vicinity, it does not feel it can give sufficient weight to these complaints, given the absence of any such evidence to substantiate the complaints raised in respect of this application.

The Committee therefore resolve to grant the Licence - subject to the insertion of conditions in line with the steps proposed by the applicants at section 18 of their Application.

<b>Date of issue:</b>	23 November 2018
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## Appeal information

If you wish to appeal a decision made by the Licensing of Alcohol and Gambling Sub-Committee you must give written notice of appeal, within the period of **21 days** beginning with the day on which you were notified by the licensing authority of the decision you wish to appeal, to:

The Appeals Officer  
 St Albans Magistrates' Court  
 C/O Luton Magistrates' Court  
 Stuart Street  
 Luton  
 LU1 5BL

Please note that there is no power to extend the time limit for an appeal.

On appeal a magistrates' court may:

- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of in accordance with the direction of the court.

The court has wide discretion and may make such order to costs as it thinks fit.

The table below sets out each party's entitlement to appeal a decision:

### DELETE ALL TABLES EXCEPT THE RELEVANT ONE

<b><i>Appeal entitlement: Application for a premises licence</i></b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To grant the application	The applicant may appeal against any decision to impose conditions on the licence, or to exclude licensable activities, or to refuse to specify a person as premises supervisor.	Persons who made relevant representations in relation to the application may appeal against the decision, to contend that the licence ought not to have been granted or that different conditions or steps should have been taken.
To reject the application	The applicant may appeal against the rejection of the application.	-

<b><i>Appeal entitlement: Application to vary a premises licence</i></b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To grant the application (in whole or in part)	The applicant may appeal against any decision to modify the conditions of the licence.	Persons who made relevant representations in relation to the application may appeal against the decision, to contend that the variation ought not to have been granted, or that the licence conditions ought not to have been modified or ought to have been modified in a different way.
To reject the application (in whole or in part)	The applicant may appeal against the rejection of the application.	-

<b><i>Appeal entitlement: Application to specify an individual as premises supervisor</i></b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To grant the application	-	The chief officer of police may appeal against the grant of the application if he had given (and not withdrawn) an objection notice
To reject the application	The applicant may appeal against the rejection of the application.	-

<b><i>Appeal entitlement: Application to transfer a premises licence</i></b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To grant the application	-	The chief officer of police may appeal against the grant of the application if he had given (and not withdrawn) an objection notice
To reject the application	The applicant may appeal against the rejection of the application.	-

<b><i>Appeal entitlement: Review of a premises licence</i></b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
Any	The applicant may appeal against the decision.	The holder of the premises licence may appeal against the decision.  Any other person who made relevant representations in relation to the application may appeal against the decision.

<b><i>Appeal entitlement: Summary review of a premises licence</i></b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
Any	The chief officer of police may appeal against the decision.	The holder of the premises licence may appeal against the decision.  Any other person who made relevant representations in relation to the review may appeal against the decision.

<b><i>Appeal entitlement: Review of a premises licence following closure order</i></b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
Any	The holder of the premises licence may appeal against the decision.	Any other person who made relevant representations in relation to the review may appeal against the decision.

<b><i>Appeal entitlement: Interim authority notice</i></b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To cancel the interim authority	The applicant may appeal against	-

notice	the cancellation of the notice.	
Not to cancel the interim authority notice	-	The chief officer of police may appeal against the non-cancellation of the notice

<b>Appeal entitlement: Application for a provisional statement</b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
Issue of a provisional statement	The applicant may appeal against the decision.	Persons who made relevant representations in relation to the application may appeal against the decision.

<b>Appeal entitlement: Application for a new club premises certificate</b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To grant the application	The club may appeal against any decision to impose conditions on the certificate, or to exclude club qualifying activities.	Persons who made relevant representations in relation to the application may appeal against the decision, to contend that the certificate ought not to have been granted or that different conditions or steps should have been taken.
To reject the application	The club may appeal against the rejection of the application.	-

<b>Appeal entitlement: Application to vary a club premises certificate</b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To grant the application (in whole or in part)	The club may appeal against any decision to modify the conditions of the certificate.	Persons who made relevant representations in relation to the application may appeal against the decision, to contend that the variation ought not to have been granted, or that the certificate conditions ought not to have been modified or ought to have been modified in a different way.
To reject the application (in whole or in part)	The club may appeal against the rejection of the application.	-

<b>Appeal entitlement: Review of a club premises certificate</b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
Any	The applicant may appeal against the decision.	The club that holds the certificate may appeal against the decision.  Any other person who made relevant representations in relation to the application may appeal against the decision.

<b>Appeal entitlement: Temporary event notice</b>		
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<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To give a counter-notice	The premises user may appeal against the decision.	-
Not to give a counter-notice	-	The chief officer of police may appeal against the decision.
No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.		

<b>Appeal entitlement: Application for a personal licence</b>		
<b>Nature of decision</b>	<b>Applicant's appeal rights</b>	<b>Other parties appeal rights</b>
To grant a new personal licence (where the chief officer of police had given an objection notice)	-	The chief officer of police may appeal against the decision.
To renew a personal licence (where the chief officer of police had given an objection notice)	-	The chief officer of police may appeal against the decision.
To reject an application for the grant or renewal of a personal licence	The applicant may appeal against the decision.	-
To revoke a personal licence under section 124(4)	The holder of the licence may appeal against that decision.	-
Not to revoke a personal licence under section 124(4)	-	The chief officer of police may appeal against the decision.