



## LICENSING SUB-COMMITTEE

22 August 2016

### PREMISES LICENCE VARIATION APPLICATION HEARING

Application Ref

009252

Applicants Name

Mr Karzan Baha-Aldin

Premises  
Address

Marina Kebab, 4 Pier Terrace,  
Lowestoft

Ward

Harbour

Date Application  
Received

1<sup>st</sup> July 2016

Determination by

26th August  
2016

#### SUMMARY OF APPLICATION

- This report sets out a variation application for a premises licence for Marina Kebab (attached as Appendix A).
- The application was made to extend the hours for Late Night Refreshment.
- During the consultation period an objection has been received from Suffolk Constabulary highlighting their concerns about the application (attached as Appendix B).

**1. THE APPLICATION**

1.1 The application seeks to change the hours as follows:

**Current Licenced hours**

Monday to Wednesday and Saturday 23.00 to 01.00  
Thursday to Saturday 23.00 to 03.00

**Requested hours**

Monday to Wednesday and Sunday 23.00 to 01.30  
Thursday to Saturday 23.00 to 03.55  
Christmas Eve, Boxing Day, New Year’s Eve, Sundays prior to Bank Holidays 2300 to 04.00

1.2 As part of the operating schedule attached to the application, the applicant has set out the steps he proposes to take in order to address the licensing objectives (see appendix A).

**2. REPRESENTATIONS IN OBJECTION**

2.1 Representations from Responsible Authority -

<b>NAME</b>	<b>ADDRESS</b>	<b>STATUS</b>
Suffolk Constabulary	Landmark House, 4 Egerton Road, Ipswich, IP1 5PF	Responsible Authority

2.2 Summary of Objections

An objection has been received from Suffolk Constabulary who have concerns that the Licensing objectives; Prevention of Crime and Disorder and Prevention of Public Nuisance would be undermined by the grant of this licence.

**3. POINTS FOR CONSIDERATION**

3.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

3.2 The attention of the Sub-Committee is drawn to the following:

a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:

- Guidance Issued under Section 182 of the Licensing Act 2003.
- The Council’s Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

3.3 The relevant notices about this hearing have been served on the applicant and Responsible Authority and they have until 15 August 2016 to confirm that they intend to attend (or not) as the case may be and give notice that they wish to call witnesses.

3.4 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

## **RECOMMENDATION**

The Sub-Committee will be asked to determine this application and has the option to:

1. Grant the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
2. Grant the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers necessary for the promotion of the licensing objectives, and any condition which must be included in the licence in accordance with the Licensing Act 2003.
3. Refuse the application.

Depending on the decision of the Sub-Committee, the applicant and the objectors have rights of appeal to the Magistrates Court.

When announcing its decision, the Sub-Committee is asked to state its reasons.

## **APPENDICES**

**Appendix A** - Application.

**Appendix B** – Representations from Suffolk Constabulary in objection to the application

**Appendix C** – Current premises licence

## **BACKGROUND PAPERS**

The Waveney District Council Statement of Licensing Policy, The Licensing Act 2003 (“the Act”) and the Guidance issued under section 182 of the Act.