

SLOUGH BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE - 12 NOVEMBER 2012
LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE FOR KZ, 17 ELMSHOTT LANE, CIPPENHAM, SLOUGH, SL1 5QS

1. The Application

The application is being made by Mr Javed Khan and Imran Ahmed, for a new premises licence called KZ, 17 Elmshott Lane, Slough, SL1 5QS.

The application is for the licensable activity of the Provision of Late Night Refreshment – On and off the Premises between the hours of 23.00 hrs and 01.00 hrs Monday to Sunday.

Copy of the application form is attached at **Appendix “A”**.

A representation from a local resident to the application is attached at **Appendix “B”**.

No representations have been received from any Responsible Authority.

2. Background

A visit was made to the premises on 7th September 2012 at 23:20 hrs by Nicola Keegan, Assistant Licensing Officer, Slough Borough Council and Debie Pearmain Thames Valley Police Licensing Officer during a scheduled enforcement operation. It was found that KZ was opening after 23:00 hrs in contravention of the requirements of the Licensing Act 2003 which states that the Provision of Late Night Refreshment between 23:00 hrs and 05:00 hrs is a licensable activity and requires a premises licence to be in force.

Mrs Keegan and Mrs Pearmain spoke to one of the owners, Mr Javed Khan, who advised he is new to the food business and did not realise that a premises licence was needed and did not realise he was committing an offence by opening past 23:00 hrs. Mr Khan also stated that he had been regularly opening after 23:00. Mrs Pearmain cautioned Mr Khan and told him to close the premises immediately.

On the 12th September 2012 Mrs Keegan sent Mr Khan an advisory letter to the premises and his home address confirming the offence and inviting Mr Khan to submit a premises licence application. On 20th September 2012 Mrs Keegan received a letter from Mr Javed Khan replying to her letter of 12th September 2012.

Copy of the letter C/o premises is attached at **Appendix “C”**.

Copy of Mr Javed Khan’s letter is attached at **Appendix “D”**.

Prior to the submission of this premises licence application no complaints were received by the Licensing Office with regard to this premises. No representations or comments have been received with regard to this application either from the Slough Borough Council Neighbourhood Enforcement/Environmental Health Team with regard to noise complaints at or near the premises or Thames Valley Police with regard to crime and disorder at or near the premises.

3. Representations Received

A representation has been received from a local resident **Appendix “B”**, raising concerns over the premises being permitted to provide Late Night Refreshment. The grounds for objecting can be summarised as follows:

- Increase in noise pollution
- Increased disturbance to local residents
- Increase in anti-social behaviour

Although this representation has been included, the Committee should carefully consider if this is a valid representation.

The Committee may wish to consider if the reasons for objecting to the application are relevant bearing in mind that Thames Valley Police, the main enforcement agency for crime and disorder and Slough Borough Council Neighbourhood Enforcement/Environmental Health Team, the main enforcement agency for public nuisance, have not objected to the application on any of the reasons outlined in the petition which would come within the Licensing Objectives of Crime and Disorder and Prevention of Public Nuisance.

Thames Valley Police have requested that additional conditions be added to the premises licence should it be granted. The applicant has agreed to the addition of all the requested conditions.

Copy of the requested conditions is attached at **Appendix “E”**.

Copy of the applicant acceptance is attached at **Appendix “F”**.

One of the applicant's, Javed Khan, has sent an initial response, via email, to the representation to his premises licence application.

Mr Javed Khan's response to the representation attached at **Appendix “G”**.

4. The Sub-Committee must have regard to:

- The Licensing Act 2003
- The Guidance given by the Secretary of State – The Sub-Committee can decide not to follow the Guidance if it has good reason to do so

- The Council's Statement of Licensing Policy. The Sub-Committee must have regard to the Council's policy but may depart from it if it has good reason to do so.
- The overriding principle is that each application will be determined on its merits.

5. Human Rights Act 1998

Article 6 of the Human Rights Act 1998 applies:

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

6. Options Available

The Sub-Committee may

1. Grant the application as it stands in which case it would be issued subject to the relevant mandatory conditions and conditions consistent with the applicant's operating schedule.
2. Grant the application subject to further conditions which are reasonable, proportionate and necessary in order to meet one or more of the four licensing objectives i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.
3. Refuse the application.

7. Appeals

Any party to the hearing may appeal against a decision of the licensing authority by giving notice to the Clerk to the Magistrates within 21 days of being notified of the decision.

8. Appendices

- A. Application.
- B. Local resident representation.
- C. Letter from Licensing to Mr Khan c/o premises
- D. Letter from Mr Khan to Mrs Keegan
- E. Thames Valley Police additional conditions
- F. Applicant acceptance of additional conditions
- G. Response to representation by Mr Khan

9. Background Papers

1. The Licensing Act 2003.
2. Guidance issued under Section 182 of the Licensing Act 2003.

3. Regulations (cited as the Licensing Act 2003 ([various]) Orders 2005).
4. Slough Borough Council Statement of Licensing Policy – December 2010.

Contacts for further information

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