

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item **3**

Hearing Date: 13th March 2013

Contact Officer: Ruth Boam – 01283 595716

DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE

Applicants Name	Mr Kamrul Hussain
Premises Name	Spice Touch
Address	Unit 4 Glamorgan Way, Church Gresley, Swadlincote, DE11 9GB

1. PURPOSE

To determine an application for a premise licence received by this Authority on the 31st January 2013 from Mr Kamrul Hussain. (**application attached at Appendix 1**).

2. BACKGROUND

- 2.1 The applicant is seeking a new premises licence to permit the Sale by Retail of Alcohol. The full details are indicated below in paragraph 3.
- 2.2 No current premises licence exists at Spice Touch.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
Sale by Retail of Alcohol for consumption on the premises only	Monday to Sunday	17:00hrs to 23:00hrs
Hours premises to remain open to members of the public	Monday to Sunday	17:00hrs to 23:00hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section 18 of the application form.

4. CONSULTATION RESPONSES

Derbyshire Constabulary -

Representation received during the 28 day consultation period. Full details can be found in **Appendix 2**.

No other valid representations have been received.

5. AGREEMENT BETWEEN PARTIES

- 5.1 The applicant has agreed to have the conditions requested by Derbyshire Police (**Appendix 3**) added to their licence.
- 5.2 All parties have agreed to dispense with the need to hold a hearing.

6. DETERMINATION

- 6.1 The Licensing Act's scheme of delegation does not permit Officers to determine an application that has received a representation, even when all parties agree to dispense with the need to hold a hearing. The power to grant licences in these circumstances remains with the Licensing and Appeals Sub-Committee.
- 6.2 As all parties have agreed to dispense with a hearing, there is no requirement to hear evidence, and Members are asked to grant the licence subject to such conditions contained in the operating schedule, appendix 3 to this report, and any mandatory conditions required under the Licensing Act 2003.

7. RIGHT OF APPEAL

- 7.1 The applicant or persons making representation have a right of appeal against the decision of the Licensing Authority.

APPENDICES

- 1. Application for a premises licence to be granted under the Licensing Act 2003
- 2. Derbyshire Constabulary representation regarding application.
- 3. Agreed conditions to be added to the operating schedule.

EXP 4/3/13

APPENDIX 1



South Derbyshire
Application for a premises licence
Licensing Act 2003

For help contact
licensing2@south-derbys.gov.uk
Telephone: 01283 221000

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

cad architecture

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Kamrul

Family name

Hussain

E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

As the applicant:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	Unit 4
* Street	Glamorgan Way
District	
* City or town	Swadlincote
County or administrative area	South Derbyshire
* Postcode	DE11 9GB
* Country	United Kingdom

Agent Details

* First name	
* Family name	
* E-mail	
Main telephone number	07812039161
Other telephone number	

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☐ An agent that is a business or organisation, including a sole trader
- ☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Building number or name	
Street	
District	
City or town	
County or administrative area	
Postcode	
Country	United Kingdom

Address official correspondence should be sent to.

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REMISES DETAILS

4.

Continued from previous page...

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	Unit 4
Street	Glamorgan Way
District	Church Gresley
City or town	Swadlincote
County or administrative area	South Derbyshire
Postcode	DE11 9GB
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	10,250

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes
- ☐ No

First name

Family name

Is the applicant 18 years of age or older?

- ☒ Yes
- ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
<input type="button" value="Add another applicant"/>	

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OPERATING SCHEDULE

When do you want the premises licence to start?

<input type="text" value="14"/>	/	<input type="text" value="02"/>	/	<input type="text" value="2013"/>
dd		mm		yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end?

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Restaurant selling hot food and alcohol within the premises.

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If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

Will you be providing films?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes ☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 17:00

End 23:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 17:00

End 23:00

Start

End

WEDNESDAY

Start 17:00

End 23:00

Start

End

THURSDAY

Start 17:00

End 23:00

Start

End

FRIDAY

Start 17:00

End 23:00

Start

End

SATURDAY

Start 17:00

End 23:00

Start

End

SUNDAY

Start 17:00

End 23:00

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

/a

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

/a

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name	<input type="text" value="Kamrul"/>
Family name	<input type="text" value="Hussain"/>

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text" value="BIIAB"/>

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOUSING PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

	Start	End	
MONDAY	<input type="text" value="17.00"/>	<input type="text" value="23.00"/>	Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
	<input type="text"/>	<input type="text"/>	
TUESDAY	<input type="text" value="17.00"/>	<input type="text" value="23.00"/>	
	<input type="text"/>	<input type="text"/>	
WEDNESDAY	<input type="text" value="17.00"/>	<input type="text" value="23.00"/>	
	<input type="text"/>	<input type="text"/>	
THURSDAY	<input type="text" value="17.00"/>	<input type="text" value="23.00"/>	
	<input type="text"/>	<input type="text"/>	
FRIDAY	<input type="text" value="17.00"/>	<input type="text" value="23.00"/>	
	<input type="text"/>	<input type="text"/>	

FTU 31.01.13
As per telephone conversation

Continued from previous page...

SATURDAY

Start 17.00

End 23.00

Start

End

SUNDAY

Start 17.00

End 23.00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

/a

On standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

/a

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

List below

The prevention of crime and disorder

Make sure all my staff are aware of health and safety procedures and can deal with customers in a professional manner at all times.

Call the police should there be any violent behaviour within the premises or outside.

Make sure alcohol is not served to minors under the age of 18.

Make sure alcohol is not served to people who appear intoxicated or drunk.

Take a diplomatic approach in dealing with rude or aggressive customers.

Not allow access into the premises should a customer be intoxicated, drunk or who appears to have taken drugs.

Public safety

Call the police if there is any unruly/violent behaviour towards members of staff, customers or the general public within or near the premises.

Continued from previous page...

Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

Fee amount (£)	190.00
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ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	
Street	
District	
City or town	
County or administrative area	
Postcode	
Country	United Kingdom

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

The 28 days target processing period relates only to the initial application. Should a Responsible Authority or Interested Party submit a representation then this period will be extended

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name	
Capacity	
Date (dd/mm/yyyy)	

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-derbyshire/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

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d) The prevention of public nuisance

Call the police if there is any unruly/ violent conduct within the premises or outside.

Call the police if any person(s) are causing noise and disturbance within the premises or outside, this includes littering, vandalism taking drugs or threatening customers/ general public etc.

e) The protection of children from harm

Ask for ID at all times. (Must be passport or valid driving licence with a photo)

No children allowed under the age of 16 unless accompanied by an adult.

If children are drinking outside the premises notify the police immediately.

Will not serve any alcohol to children aged under 18.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

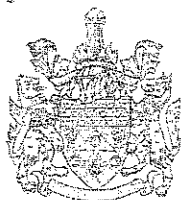
have practically no wind power other than blowing east with 30-mph gusts at night, and gap filled with convective material. I didn't learn of another site until after the pipes for legs of nest 3000m and Reddy Point. After that day the pipes which go down to 3000m should be connected up to the lower levels of the foundation. It seems to prevail winds during the system would be lowered, not second drainage, decreasing local, north, downwind, misty fog and gusts.

Scale bar 1:100

scale in meters

1 2 3 4 5

1



South Derbyshire District Council

Consent of individual to being specified as premises supervisor

I KAMRUL HUSSAIN
[full name of prospective premises supervisor]

of 312 THIMBLEMILL RD
SMETHWICK

BIRMINGHAM B67 6QA
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE [type of application]

by KAMRUL HUSSAIN [name of applicant]

relating to a premises licence [number of existing licence, if any]

for UNIT 4 GLAMORGAN WAY

CHURCH GRESLEY, SWADLINCOTE

DERBYSHIRE DE11 9QB
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by KAMRUL HUSSAIN [name of applicant]

concerning the supply of alcohol at UNIT 4 GLAMORGAN WAY


CHURCH GRESLEY SWADLINCOTE

DE11 9QB
[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

X Personal licence number 1002693908
[insert personal licence number, if any]

Personal licence issuing authority B11 AB
[insert name and address and telephone number of personal licence issuing authority, if any]

 signed

KAMRUL HUSSAIN name (please print)

25-1-13 dated



Contact: PC 2766
MORLEY
Direct Tel: 01332 613036
Ext: 760 3036
Fax:
Our ref: PID / 7521
Your ref: Spice Touch

The Licensing Manager
South Derbyshire Council,
Civic Offices,
Civic Way,
Swadlincote,
Derbyshire,
DE11 0AH

Thursday, 28 February
2013

BY E-MAIL & POST

Dear Sir / Madam,

LICENSING ACT 2003 APPLICATION:

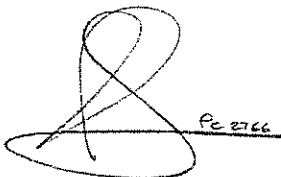
**Application for Premises Licence –
Spice Touch, Unit 4, Glamorgan Way, Church Gresley, Swadlincote, DE11 9GB**

With reference to the above application, please take this letter as formal notification that it is the intention of the Police to make representation against this application on the grounds that in its current form it undermines the Licensing objectives as indicated below:

- | | | |
|----|--------------------------------------|---|
| 1. | The Prevention of Crime & Disorder | X |
| 2. | Public Safety | X |
| 3. | The prevention of Public Nuisance | X |
| 4. | The protection of children from harm | X |

Further explanation is given at appendix A attached.

Yours faithfully,



PC 2766 MORLEY
'D' Division Licensing Department
St. Mary's Wharf Police Station
DERBY
01332 613036 (760 3036)
Richard.morley.2766@derbyshire.pnn.police.uk

PLEASE NOTE:

THE INFORMATION CONTAINED IN **APPENDIX A** IS FOR THE ATTENTION OF THE LICENSING AUTHORITY / POLICE AND APPLICANT ONLY AT THIS STAGE.

DISCLOSURE TO OTHER PARTIES PRIOR TO HEARING MAY PREJUDICE ANY ALTERNATIVE DISPUTE RESOLUTION PROCESS AND ANY SUBSEQUENT COMMITTEE HEARING / COURT

APPENDIX 'A'**RE: SPICE TOUCH, Unit 4.**

The applicant is applying for a Premises Licence for an on-licence establishment with the opening hours of the premise being 1700hrs to 2300hrs Monday and Sunday. The on-licence sales of alcohol would aim to replicate the opening hours of the Restaurant.

The purpose of the premises is to be an Indian Restaurant with the facility to sell alcohol by retail on the premises. The application for a Premises Licence would apparently be based on necessity of the overall offering with a view that the sale of alcohol would increase footfall, sales and revenue at the premise.

The premise is currently located within a small mall of newly built terraced units and is currently vacant. The premises are situated just off a main traffic island on the external portion of a newly built residential development. Within the small row of local business units are a convenience store and a fish and chip shop. This is only a short walk from a large residential area consisting of three storey town houses, shared housing and a Public House. On the same retail area that has communal parking is a local medical centre with varied opening times.

The premise would be frequented by the local community, those visiting the local area and those working within the area. The premise is also situated very close to late night bus stops that provide a link with the customers that will visit the Night Time Economy, both in Burton and Derby.

The behaviour of certain individuals when under the influence of alcohol is widely recognised and documented as being one of the main factors encouraging their anti-social behaviour and violence through the level of intoxication. My concern is that Adults and Children residing within the local area or attending the local educational establishments would be needlessly subjected to this unacceptable behaviour.

The premise would allow and through its offering, encourage more persons attend the area and this should be monitored stringently. Likewise the increase in transient custom will inevitably place a higher burden on the tidy up process within the immediate vicinity through the disposal of fast food wrappings. This in itself is a 'Public Nuisance' and could give rise to the decline in the image of a local convenience shopping area.

By applying for this licence I believe that it would lead to an increase in; litter, persons loitering and congregating and an increase in alcohol consumption within this residential and business area thereby giving cause for concern with regards to the support of the four Licensing Objectives;

Public nuisance
Public safety
Protection of children from harm
Crime and Disorder

It is my opinion that without being correctly supported with necessary, proportionate and appropriate conditions within the premises licence, there is the likelihood of the potential for Anti-social Behaviour and other crime that could be attributed to alcohol consumption, therefore undermining all of the licensing objectives.

Derbyshire Constabulary Licensing Department have been liaising with the applicant regarding the wording of suitable conditions to which they have agreed and believe that they are both supportive to the Licensing Act 2003 and the Licensing Objectives, whilst not being restrictive to the business operation. With this in mind should the application receive no other representations and be granted with the attached conditions the Chief Officer of Police would have no objections regarding the application?

Premises Licence Conditions for;

Spice Touch, Unit 4, Glamorgan Way, Church Gresley, Swadlincote.

Proposed by Derbyshire Police Licensing.

1. A 'Challenge 25' age verification policy will be employed at the premise with regards to the sale / supply of alcohol.
2. Clear signage in relation to the 'Challenge 25' age policy of the premises will be clearly displayed.
3. Any person who appears to be under the age of 25 years of age will be required to provide suitable proof of age before any alcohol is sold to them. This proof of age will be in the form of;
 - photo driving licence
 - current passport
 - Ministry of Defence identity card or
 - Government approved 'PASS' identification card scheme.
4. All requests for identification in relation to the sale / supply of alcohol will be entered in refusals books or registers kept for this purpose. These registers shall be kept on the premises for a minimum period of 1 year and will be produced upon request to a Police Officer or person as detailed within Section 13 of the licensing Act 2003.
5. Full training is to be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. Records shall be retained on site and made available for inspection to a Police Officer or person as detailed within Section 13 of the licensing Act 2003.
6. Alcohol shall only be sold / supplied directly to customers visiting the premises where the customer orders a substantial meal. This meal shall consist of several component parts. This should not be an 'individual' item of food stuff.

