



**REPORT of
HEAD OF ENVIRONMENT SERVICES**

**LICENSING SUB-COMMITTEE
16 JANUARY 2013**

**LICENSING ACT 2003 – APPLICATION FOR THE GRANT OF A PREMISES
LICENCE MAYLAND MASALA, 62 IMPERIAL AVENUE, MAYLANDSEA,
CHELMSFORD, ESSEX, CM3 6AH**

1. PURPOSE OF THE REPORT

- 1.1 To consider an application for the grant of a Premises licence, having regard to the representations received and the requirement to promote the four licensing objectives:
- a) the prevention of crime and disorder;
 - b) public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm.

2. AREA FOR DECISION / ACTION

2.1 The application is for the grant of a premises licence in respect of Mayland Masala, 62 Imperial Avenue, Mayland, Maldon, Essex. The premises is situated on the ground floor of a two storey building with a residential flat above and opposite a number of residential properties. There are commercial properties on the ground floor either side of the premises with residential flats above. The premises has limited car parking in front of the premises. These premises were formally known as the Posh Spice and has been trading as an Indian takeaway.

2.2 The application is for the following activities:

Recorded Music	Monday – Saturday	12.00 – 23.00
	Sunday	12.00 – 22.00
Sale of Alcohol	Monday – Saturday	12.00 – 23.00
	Sunday	12.00 – 22.00
Opening Hours	Monday – Saturday	12.00 – 23.00
	Sunday	12.00 – 22.00

2.3 The application has been properly made and all procedures followed correctly and is reproduced as **APPENDIX A**.

2.4 The measures proposed by the applicant to promote the licensing objectives have been reproduced in **APPENDIX B**, together with the mandatory conditions and conditions

drawn from the operating schedule of the application. These conditions are required to be attached to any licence granted by the members.

- 2.5 During the course of this application, notice was given by the applicant to all the following relevant authorities:
- Essex Police;
 - Essex County Fire and Rescue Service;
 - Maldon District Local Planning Authority;
 - Maldon District Council Environment Protection;
 - Head of Child Protection;
 - Essex Trading Standards;
 - Maldon District Council Health & Safety Enforcement;
 - Primary Care Trust; and
 - Licensing Authority.
- 2.5 One response has been received from an interested parties (person residing in the vicinity).which is reproduced as **APPENDIX C**.
- 2.6 There has been one response received from the Responsible Authorities, the Police, which is reproduced as **APPENDIX D**.
- 2.7 A plan is reproduced indicating the location of the premises. The plan is attached as **APPENDIX E**.

3. IMPACT ON CORPORATE GOALS

- 3.1 The following four Corporate Goals underpin the Councils vision for the District:
- Enabling, supporting and empowering communities to be safe, active and healthy;
 - Protecting and shaping the District and balancing the future needs of the community;
 - Meeting the housing needs of the District; and
 - To be an organisation which delivers good quality, cost effective and valued services in a transparent way.
- 3.2 This report supports the Council’s corporate goal of, ‘Enabling, supporting and empowering communities to be safe, active and healthy.

4. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.

(iv) **Impact on Resources (financial)** – None.

(v) **Impact on the Environment** – None.

5. CONCLUSIONS

5.1 Members are advised that they have the following options when determining this application:

- Grant the application, on the terms and conditions applied for, including mandatory conditions, as set out in **APPENDIX B**;
- Grant the application, on the terms and conditions applied for, including mandatory conditions, as set out in **APPENDIX B** modified to such extent as considered necessary for the promotion of the Licensing Objectives;
- Grant the application, on the terms and conditions applied for, including mandatory conditions, as set out in **APPENDIX B** but modified to such extents as considered necessary by removing some of the licensable activity applied for, to promote the Licensing Objectives; or
- Reject the application.

5.2 Members are reminded that the applicant and/or any person making representation in relation to this matter may appeal the decision of the Council to the Magistrates' Court.

6. RECOMMENDATION

That the Licensing Sub-Committee determines the application for a New Premises Licence taking into consideration the options that are available as detailed in 5.1 above.

Background Papers: Application file held by Licensing Authority.

Enquiries to: Alexandra Maschas, Licensing Officer, (Tel: 01245 606724).