



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**LICENSING SUB-COMMITTEE
16 NOVEMBER 2018 (ADJOURNED FROM 30 OCTOBER 2018)**

**LICENSING ACT 2003 – APPLICATION TO REVIEW PREMISES LICENCE –
ZARA’S INDIAN CUISINE, STEEPLE ROAD, MAYLAND, SOUTHMINSTER, CM3
6EG**

1. PURPOSE OF THE REPORT

- 1.1 The Committee is requested to consider an application for a review of the premises licence for Zara’s Indian Cuisine, Steeple Road, Mayland, Southminster, CM3 6EF by Essex Police Licensing, on the grounds of one of the licensing objectives, namely the prevention of crime and disorder, having regard to the representations received and the requirement to promote the four licensing objectives.

2. RECOMMENDATIONS

That the Licensing Sub-Committee determines the application for a Review of a Premises Licence taking into consideration the options that are available as detailed in 4.1 of this report.

3. SUMMARY OF KEY ISSUES

- 3.1 The premises is an Indian restaurant with a licence to serve alcohol both on and off the premises. The premises was formerly known as the Mayland Mill Public House.
- 3.2 The application that Members are asked to consider is an application for a review of a premises licence requesting that the licence be revoked. A copy of the current premises licence is attached at **APPENDIX A** to this report.
- 3.3 The premises licence authorises the following licensable activities:
- Exhibition of a Film;
 - Indoor Sporting Event;
 - Performance of Live Music;
 - Performance of Recorded Music;
 - Late Night Refreshment;
 - Sale by Retail of Alcohol.

- 3.4 The application has been properly made and all procedures correctly followed. The completed application to review is attached as **APPENDIX B**.
- 3.5 Additional information in support of the application has now been submitted by Essex Police and is attached as **APPENDIX C**.
- 3.6 During the course of this application, notice was given by the applicant to all the relevant responsible authorities.
- 3.7 There has been a representation received from an interested party via his Solicitor, and a copy of this representation is attached at **APPENDIX D**. It can be seen that this representation has been made by an individual who has declared an interest in the operation of this business and who suggests that the business may be transferred to him to satisfy the prevention of crime and disorder licensing objective. Members are reminded that it is not possible to enforce a proposed transfer of a premises licence, and the only options available to them in this matter are contained in section 4 of this report.
- 3.8 There were no other representations received.

4. CONCLUSION

- 4.1 Members are advised that they have the following options when determining this application.
1. To modify the conditions of the licence either permanently or for a period not exceeding three months.
 2. To exclude a licensable activity from the scope of the licence, either permanently or for a period not exceeding three months.
 3. Remove the Designated Premises Supervisor.
 4. To suspend the licence for up to three months.
 5. Revoke the licence.
- 4.2 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.

5. IMPACT ON CORPORATE GOALS

- 5.1 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.

5.2 This report supports the Council's corporate goal of, 'Enabling, supporting and empowering communities to be safe, active and healthy.'

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial and human)** – None.
- (v) **Impact on the Environment** – None.

Background Papers:

1. Statutory Guidance issued in accordance with S.182 of the Licensing Act 2003
2. Maldon District Council's Statement of Licensing Policy
3. The Licensing Act 2003

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