

Licensing Sub-Committee report



25 March 2021

Report of: James Sloan (Licensing Officer)
 Application: New Premises Licence
 Premises: Dina International
 Applicant: DINA INTERNATIONAL LTD
 Date of Application: 16 February 2021
 Application Ref: 157869

Exempt / confidential / not
for publication

No

1. Application

- 1.1 This is an application for a new Premises Licence. The application is attached at Annex A to the report. Dina International Limited is applying for a premises licence. The business operator is yet to be confirmed, the applicant is applying for the licence in anticipation for future use by a restaurant of similar business. Although perhaps unusual, this is permitted under the legislation. Following discussion with the Licensing Authority and Thames Valley Police the applicant has already agreed a range of changes to the application. Consequently, the Sub-Committee should consider the application to be for:

Supply of Alcohol

Sunday to Thursday 09:00 - 00:00

Friday to Saturday 09:00 - 01:00

Live / Recorded Music and Performance of Dance

Sunday to Thursday 09:00 - 00:00

Friday to Saturday 09:00 - 01:00

Late Night Refreshment

Sunday to Thursday 23:00 - 00:00

Friday to Saturday 23:00 - 01:00

Bank Holiday seasonal variations - activities extended by one hour.

- 1.2 The applicant had also offered to further reduce all hours for licensable activities by one hour from the terminal time in order to try to reach a compromise with the local residents. One resident agreed verbally to withdraw representation on this basis but has not confirmed in writing. Members therefore must consider the application to reflect the hours stated above in 1.1, unless the applicant proposes further reduction of hours at the hearing.
- 1.3 The application contains an operating schedule detailing steps covering staff training, CCTV provisions, challenge 21 and staffing levels. Members will note that further conditions have been agreed with the Licensing Authority and Thames Valley Police. These are detailed further in the report.
- 1.4 A plan of the locality is included at **Annex B** to the report.

2. Responsible Authorities

- 2.1 Both the Licensing Authority as a responsible authority and the Thames Valley Police made representations against this application, attached at **Annex C** to the report. Following discussion, the applicant has agreed to amend the application to contain the following conditions and amend the proposed hours as detailed in section 1.1 above:

- There shall be no patrons on the premises beyond the closing time specified on the licence for that day.
- There shall be a notice at all exits at the venue used by patrons asking them to leave quietly and respect local residents
- That the terminal hour for all types of entertainment be reduced to match those sought for supply of alcohol as detailed in the application (that is Sunday - Thursday 00:00hrs and Friday / Saturdays 01:00hrs with additional hour on special days as detailed in the application)
- An adequate CCTV system shall be installed, maintained and operated at the premises. The CCTV system shall cover all licensed areas and all entrances and exits. The system shall record continuously whilst the premises is open to the public and for licensable activities. Images must be of an evidentiary standard and be date and time stamped. The system installed must retain all images for a minimum of 28 days and these must be made available for the Police to view or remove on request. A member of staff trained in working the system and capable of downloading images shall be on duty whenever the premises is open to the public.
- All persons involved in alcohol sales must receive full and adequate training on the law relating to licensing legislation, including but not limited to sales to underage children and sales to intoxicated people. A

written record of the training that each person has received shall be maintained. All persons involved in alcohol sales shall have refresher training every 6 months. The training log and records are to be provided to the Police, the Local Authority or the Licensing Authority on request.

- An effective 'challenge 25 policy' shall be implemented and maintained in place at the premises. Any persons appearing to be under the age of 25 who attempts to purchase alcohol must be challenged in respect of their age and required to provide adequate proof that they are over the age of 18 before they are sold or supplied with alcohol.
- Only photographic based forms of identification shall be accepted as proof of age in respect of suspected underage sales. These must be accredited to the PASS scheme or subsequent equivalent but could also include passport, HM forces ID card, driving licence, national ID card
- A refusal log to record all attempts to purchase alcohol that were refused shall be kept on site and all refused sales recorded. The refusal log is to be provided to the Police, the Local Authority or the Licensing Authority on request.
- Alcohol sold for consumption off the premises shall only be in sealed containers.

3. Other Persons

- 3.1 The Licensing Authority has received representations from four residential premises, the Chair of the Leon Residents Association and Councillor Nazir. These are included at **Annex D** to the report. Their concerns lie primarily with the lateness of hours applied for throughout the week, the noise, disruption and ASB that may be brought by customers leaving the premises. Some of the representation note they have already suffered from such problems from similar premises nearby. It has also been suggested by some of the representations that a reduction in operating times to 11pm would be more acceptable.
- 3.2 All the representations had been forwarded to the applicant for a response. There has been continued dialogue throughout the process and the applicant offered a reduction in hours, attached at **Annex E** to the report, so that the application would read:

*“All licensable activities **Sunday to Thursday, 09:00 - 23:00 and Friday to Saturday 09:00 - 00:00** with Bank holiday seasonal variations - activities extended by one hour. Remove Late Night Refreshment completely”*

This has not been accepted by the Other Persons, but it may be useful for Members to note the steps the applicant was willing to make.

4. Officer Observations

- 4.1 The premises is located Just off Queensway, which is a busy high street in Bletchley. There are a number of takeaways and off licences in the vicinity. There are also seven on licensed premises. Two restaurants; one immediately underneath this premises; Himalaya Tandoori and Voongs Chinese across the road from the premises have a licence until 2300hrs. To the east is the Captain Ridley's Shooting Party pub approx. 150m away which closes at 0000hrs and 0100hrs weekend and to the west the Onyx, over 300m away which closes between 2330hrs and 0230hrs, which is a live entertainment venue. There are three members clubs in the area as well.
- 4.2 There is also a mix of commercial premises including shops, cafes, restaurants and many residential premises too. Cambridge Street and Princes Way are predominately residential.
- 4.3 The applicant is unable to confirm the type of business that will occupy the premises and make use of the licence if granted which may make any decision more difficult, however, ultimately the Licensing Objectives must be promoted whether the premises becomes a bar/ restaurant/ pub or live music entertainment venue.
- 4.4 Controlling noise from people once they have left a premises is difficult. Once they have left, they have responsibilities as an individual not to cause a nuisance. Any behaviour regarded as anti-social which could include noise can be enforced by the police. Members couldn't impose a condition to ensure the premises prevent exiting customers from making a noise. It would be possible to curtail the time the activity finishes to ensure that when any person leaves, they may be less likely to make noise, or if they do, it will be at a more sociably acceptable time.
- 4.5 It should be noted that the applicant has been willing to reduce the applied for hours bringing them closer to the hours of the other two restaurants in the immediate locality. Members will be aware that the Section 182 guidance doesn't support blanket closing times across premises in a vicinity, and that each case must be judged on its individual merits.

5. Determination of the Application by the Sub-Committee

- 5.1 The Sub-Committee is required to determine the application in accordance with the Act and must, having regard to the representations, take such steps that it considers appropriate for the promotion of the Licensing Objectives.
- 5.2 The steps that the Sub-Committee can take are:
 - (a) modify the terms of the application in granting a licence;
 - (b) rejecting the application or part of the application; or
 - (c) grant the Licence as applied.

- 5.3 The four Licensing Objectives are:
- (a) The Prevention of Crime and Disorder.
 - (b) Public Safety.
 - (c) The prevention of Public Nuisance.
 - (d) The Protection of Children from Harm.
- 5.4 When carrying out its functions under the Act, and determining an application, the Licensing Authority must have regard to the Guidance issued by the Home Secretary under section 182 of the Act and its own Statement of Licensing Policy.
- 5.5 Extracts from the Guidance appropriate to this application are attached at **Annex F** to the report. A full copy is available online or from the Licensing Team.
- 5.6 Extracts from the Council's Statement of Licensing Policy relevant to this application are attached at **Annex G** to the report. A full copy is available online or from the Licensing Team.

Contact Officer

For further information on this application please contact James Sloan on telephone 07557 607 929 or e-mail: james.sloan@milton-keynes.gov.uk

List of Background Papers

Milton Keynes Council Statement of Licensing Policy 2018-2023.

<https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/alcohol-and-entertainment/milton-keynes-council-licensing-policy>

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - April 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf