

Licensing Sub-Committee report



25 March 2021

Report of: Licensing Officer
 Application: New Premises Licence
 Premises: Fireaway, Garrick Walk, Central Milton Keynes
 Applicant: Fireaway MK Limited
 Date of Application: 28 January 2021
 Application Ref: 157728

Exempt / confidential / not for publication	No
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1. Application and Current Authorisation

1.1 This is an application for a new premises licence. The application is attached at Annex A to the report. The premises are designed to operate as a restaurant and takeaway that also provides a food delivery. The premises are currently trading but not as a restaurant due to Covid restrictions. If granted, the licence would permit the supply by retail of alcohol and supply of Late-Night Refreshment (hot food and hot drink after 11pm). The hours now sought have been reduced from that in **Annex A** to the following.

(a) Sale of Alcohol

Monday to Sunday

11:00 to 00:00 for consumption on the premises

11:00 to 00:00 for consumption off the premises by takeaway

11:00 to 03:00 for consumption off the premises by delivery

(b) Late Night Refreshment

Monday to Sunday

2300 to 00:00 for consumption on the premises

Monday to Sunday

23:00 to 03:00 by delivery

Sunday to Wednesday

23:00 to 00:30 by takeaway

Thursday to Saturday

23:00 to 03:00 by takeaway

The Sub-Committee should base their decision on these amended hours.

The licensed area is shown as per the plan at **Annex A** and includes a small outdoor area. This will be closed by 00:30 on any night.

- 1.2 The application contains an operating schedule detailing steps covering training, CCTV and opening hours. These will be converted into conditions on any granted licence.
- 1.3 The applicant has offered additional conditions following representations made and these are detailed at **Annex B** to the report.
- 1.4 The application was advertised both in the newspaper and via the blue notice erected at the site. The public consultation letter was issued to residents in the surrounding area.
- 1.5 Within the 28-day consultation period the Council received three representations from two responsible authorities and one other person (a resident). For assistance, photographs showing the premises and its neighbouring buildings is included at **Annex C** to the report.

2. Responsible Authorities

- 2.1 The Licensing Authority received a representation from itself suggesting a condition (see **Annex B**). This was subsequently agreed by the applicant and will form part of the operating schedule.
- 2.2 The Licensing Authority received a representation from the Thames Valley Police, attached at **Annex D** to the report, again suggesting conditions. The applicant has agreed to some of these in principle subject to Police clarification but at this stage the matter is not resolved, and the representation remains.

3. Other Persons

- 3.1 The Council received one representation from Mr Standen (legally termed an 'other person'), attached at **Annex E** to the report. Both Mr Standen and the applicant have compromised their position leading to the reduction of hours and a condition from the applicant but the issue of trading hours beyond 00:30 on Thursday evenings for takeaway of hot food remains contested. That

appears the only issue in respect of the resident to consider. The issue centres on potential noise disturbance.

4. Officer Observations

- 4.1 This has become a complicated application to explain as the applicant is seeking two different licensable activities, to be provided in three different ways, at different times depending on the day of the week. However, both representations are focussed on the late-night elements sought and there appears to be no concerns with on sales of alcohol or indeed day time operations other than by delivery (Police). The Sub-Committee should look to grant those elements of the application together with the associated mandatory conditions together with those referred to in the operating schedule that are not contested and seek what action under the licensing objectives to take for those matters contested. Whilst the premises currently have no licence it has been legitimately trading as a takeaway until 11pm.

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 F** to the report. A full copy is available online or from the Licensing Team.

Contact Officer

For further information on this application please contact Ed Fisher on telephone 01908 252 801 or e-mail: eddie.fisher@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