

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

REPORT OF: **HEAD OF ENVIRONMENTAL HEALTH & LICENCING**

REPORT NO. **ENV 341**

DATE: **20 JANUARY 2006**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR VARIATION TO A LICENCE – ZORBA 4, 40 BROAD STREET, STAMFORD
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT APPLICABLE

COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR L. NEAL (COMMUNITY SAFETY)
CORPORATE PRIORITY:	LICENCING CATEGORY 'Y'
CRIME AND DISORDER IMPLICATIONS:	SEE REPORT DETAILS
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NOT APPLICABLE
BACKGROUND PAPERS:	STATEMENT OF LICENCING POLICY

1. INTRODUCTION

The application is for a variation to an existing Premises Licence at a take-away food outlet providing late night refreshment. The application is attached at Appendix 1, together with a map showing the location premises.

This committee granted the existing Premises Licence on the 26th of September 2005 see ENV 307, and the minutes of that meeting attached at Appendix 3 of this report showing the Committees' determination..

However, if the business wishes to vary any of the existing terms and conditions of their Licence, the applicant needs to follow a set procedure, which includes consultation with interested parties, who are able to address the variations that have been applied for. If an interested party makes a representation objecting to a variation to the licence, the Alcohol and Entertainment Licensing Committee will determine the matter.

Zorba 4 is a takeaway situated in the centre of Stamford. They have been granted a Premises Licence to enable them provide late night refreshment. There is one letter of representations from the Police and 31 letters of representations from residents and one interested party. The letters, which were submitted within the 28-day time limit, are attached at Appendix 2.

2. RECOMMENDATIONS

That the Committee determines this application, with regard to the licensing objectives and the Council's Statement of licensing policy, concerning the variations that have been requested.

3. DETAILS OF REPORT

The current licence permits operating hours of 23.00 to 00.30 Sunday to Tuesday and 23.00 to 02.30 Wednesday to Saturday.

The licence is subject to conditions in respect of waste disposal and the maintenance of the existing CCTV within the premise.

The applicants seek to vary the existing hours as follows:

23:00 to 00:30 Sunday to Tuesday (as existing)

23:00 to 03:45 Wednesday to Saturday

The times the premises will be open to the public will be:

16:00 to 00:30 Sunday to Tuesday

16:00 to 03:45 Wednesday to Saturday

Please note: late night refreshment provision is only a licensable activity between the hours of 23:00 to 05:00.

The four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm have been addressed in the application.

The application has been advertised and the statutory consultees consulted.

The Council received representations from the Police and 31 representations from the following local residents:

Robert & Clare Humm	1 All Saints Place, Stamford
Margaret Sims	3 All Saints Place, Stamford
Dr D Rudd Jones CBE	Corner Cottage, Austin Street, Stamford
Mr D Johnson	10 Austin Street, Stamford
P M Stean	1 Barn Hill Mews, Stamford
D Gray	3 Barn Hill Mews, Stamford
T E & T M Story	Newby House, Barn Hill, Stamford
R & J Barry	10 Barn Hill, Stamford
G & E J Hopkinson	12 Barn Hill, Stamford
P Stevens	17 Barn Hill, Stamford
Rosalind Veitch	Mission House, 3a Broad Street, Stamford
D Goodinson	4 Brownes Hospital, Broad Street, Stamford
Mr M P & Mrs Y Sharp	Clanranald, Casterton Road, Stamford
John Plumb (Stamford Civic Society)	48 Exeter Gardens, Stamford
M Grimes	2 Kings Road, Stamford
David Grove & Claire Stafford-Swithenbank	3 Kings Mill Lane, Stamford
Mrs D Dronfield	West House, Melancholy Walk, Stamford
Mr A J Springett	North Wall House, North Street, Stamford
A Hall	The Coach House, North street, Stamford
Graham Thompson	6 Rutland Terrace, Stamford
Gwendoline Thompson	6 Rutland Terrace, Stamford
J Davies	12 St Peter's Street, Stamford
T E J Goddard	34 St Peter's Street, Stamford
Graddon Rowlands PhD	35 St Peter's Street, Stamford
B & C Bearsall	26 Scotgate, Stamford
J Cornwell	Hames Mews, 70 Scotgate, Stamford
N S Bamford	7 Rock Terrace, Scotgate, Stamford
A & M Buckley	8 Rock Terrace, Scotgate, Stamford
S M G Webster	42 Torkington Gardens, Stamford
Anne Sutherland	47 Warrenne Keep, Stamford
& Warrenne Keep Residents' Association	
P Sharp	St Martin's Old Vicarage, Wothorpe, Stam'd

The interested parties consider that the extended hours proposed by the applicant would have a negative effect on crime, disorder and public nuisance.

The Police object to the revised closing times, their reasons remain the same as the previous application, arguing the night time economy in the area currently close at 02:00 and there will be an increase in public disorder if more people are on the streets at a later hour. They report of previous incidents at the premises since they opened last year.

The Police representations also include a reference to two separate breaches of the current licence conditions. No reference is included to what action has been taken by the Police to address this matter.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Not applicable

6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

As the application has been properly made the existing licence considered subject to the current conditions and restrictions and any embedded conditions.

In this application the applicant wishes to vary the licence. As relevant representations have been received concerning the variations, members are required to determine the application regarding the variations requested and either grant the application with or without additional conditions or to refuse the variation as it considers necessary for the promotion of the licensing objectives.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

8. CONCLUSION

The application is for a Premises Licence at a Stamford town centre Takeaway to provide late night refreshment. The Council received representations from 31 interested parties and the Police.

9. CONTACT OFFICER

M. Start, Environmental Health Practitioner (Licensing)

Tel: 01476 406321 E-mail m.start@southkesteven.gov.uk

APPENDIX 1



BLACK HIGHLIGHTING SHOWS SOME OF THE OBJECTORS

ZORBA 4, BROADGATE, STAMFORD

OTHER OBJECTORS COULD NOT BE SHOWN AS THEY DID NOT
COME WITHIN THE RANGE OF THIS MAP.

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