

**LICENSING ACT 2003
APPLICATION FOR THE GRANT OF A PREMISES LICENCE
Gurkha Kitchen, 124 Main Street, Yaxley, PE7 3LP**

1. INTRODUCTION

1.1 This application was received on 13 January 2020. The applicant is Mr Shiva Bhandari.

1.2 The application seeks to permit -

a. Live Music (Indoors)

Applied for: Mondays to Thursdays 11:00 to 22:30, Fridays & Saturdays 11:00 to 23:00, Sundays 11:00 to 22:30

b. Recorded Music (Indoors)

Applied for: Mondays to Thursdays 11:00 to 22:30, Fridays & Saturdays 11:00 to 23:00, Sundays 11:00 to 22:30

c. Performance of Dance (Indoors)

Applied for: Mondays to Thursdays 11:00 to 22:30, Fridays & Saturdays 11:00 to 23:00, Sundays 11:00 to 22:30

d. Anything of a similar description to a. b. and c. (Indoors)

Applied for: Mondays to Thursdays 11:00 to 22:30, Fridays & Saturdays 11:00 to 23:00, Sundays 11:00 to 22:30

e. Supply of alcohol for consumption ON the premises

Applied for: Mondays to Thursdays 11:00 to 22:30, Fridays & Saturdays 11:00 to 23:00, Sundays 11:00 to 22:30

f. Opening Hours

Applied for: Mondays to Thursdays 11:00 – 23:00, Fridays and Saturdays 11:00 to 23:30, Sundays 11:00 to 23:00

g. Seasonal Variations

Applied for: All above activities permitted to continue from end of permitted hours on New Years' Eve until 00:30 the following day and the premises may be open to the public until 01:00.

1.3 Section 'M' of the application form addresses the four licensing objectives. Any proposals made in this section are normally translated directly into enforceable conditions that will be attached to the premises licence. Paragraphs 8.41- 8.49 and Section 10 of the Home Office guidance issued under section 182 refer to the operating schedule and licence conditions.

1.4 The application form including the plan is attached in full at **Appendix A**.

2. BACKGROUND

- 2.1. Whilst not normally relevant as this is a new application to grant. This premises does have quite a recent history with regards to licensing matters. Which is referred to within representations. Therefore, a summary has been provided below by way of explanation.

June 2013 – New premises Licence granted HDC/PRE00627 to Mr Thahir Uddin, for a restaurant **Bollywood Tiger**.

Jan 2019 – Licence HDC/PRE00627 Revoked by Licensing Sub-committee, following Review application by Cambridgeshire Police. The decision notice is provided at **Appendix B** for reference.

April 2019 – Application for the grant of a new premises licence received from Food Doctor Cooking Catering & Training Company Ltd. For a Restaurant **Raj Mahal**.

Representations received but subsequently withdrawn due to volunteered conditions following advice to the applicant from Cambridgeshire Police. Application granted (HDC/PRE00771). The volunteered conditions are at **Appendix C** for reference.

This licence has not been surrendered and remains in force, although the Licence holder no longer occupies the premises.

Jan 2020 – This application for the grant of a new premises Licence received by Mr Shiva Bhandari for a Restaurant Gurkha Kitchen.

3. REPRESENTATIONS

- 3.1 During the period for representations two valid representations have been received from 'other persons'. The representations have been attached in their entirety as **Appendix D**.
- 3.2 Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.
- 3.3 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

4. GENERAL DUTY/ POLICY CONSIDERATIONS

- 4.1 The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, each objective has equal importance, the objectives are:
- a. the prevention of crime and disorder,
 - b. public safety,
 - c. the prevention of public nuisance, and

d. the protection of children from harm.

- 4.2 The sub-committee must also have regard to –
- a. its statement of licensing policy, and
 - b. any statutory guidance issued under Section 182 of the Licensing Act 2003.
 - c. the Human Rights Act 1988
- 4.3 The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

5. DETERMINATION

- 5.1. In making a decision, this application must be determined on its individual merits having regard to the representations and supporting documents included as part of the report along with additional information considered relevant at the hearing. As part of the decision process the sub-committee is required to give its reasons for any decision arrived at.
- 5.2. Any decision made by the sub-committee must be reasonable and proportionate and promote the Licensing objectives.
The Committee may:-
- a. Grant the application as applied for
 - b. Refuse the application
 - c. To grant the licence with conditions or modifications as considered appropriate to promote the licensing objectives

BACKGROUND INFORMATION

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

Licensing Officer: Sarah Mardon

13.02.2020