

**REPORT ON APPLICATION FROM HONG
CHINESE TAKEAWAY, WINSLOW UNDER THE
LICENSING ACT 2003 FOR A PREMISES
LICENCE TO BE GRANTED**

1. THE APPLICATION

Applicant(s): Mr Kin Heng Lam

Premises: Hong Kong Chinese, 72 High Street, Winslow, MK18 3DQ

The application is for a new Premises Licence under section 17 of the Act. The detail in respect to the hours and activities applied for are set out in the application form, attached as appendix 1. (The hours applied for were amended on the 16th November 2005 as indicated).

The steps the applicant intends to take to promote the licensing objectives are set out in the operating schedule (see appendix 1, Part P of application form).

2. RELEVANT REPRESENTATIONS

2.1 Responsible Authorities

Thames Valley Police – No representation

Bucks Fire and Rescue – No representation

Environmental Health – No representation

Planning – No representation

Trading Standards – No comment

Area Child Protection Committee – No comment

2.2 Interested Parties

During the consultation period 2 representations were received from interested parties. These are attached as appendix 2.

3. NOTICE OF HEARING AND RESPONSES

All parties were served Notices of Hearing on receipt of the representation along with the document, 'Licensing Act 2003 – The Procedure to be followed at Hearings'. The parties have therefore been notified of the consequences of failing to attend.

The further submissions that have been received to date following service of the Notice of Hearing are attached as appendix 3. Members will be notified of any further responses at the hearing.

4. GENERAL INFORMATION

The general information Members need to have regard to when determining applications made under the Licensing Act 2003 is set out in a separate document which is attached to the Agenda under cover of which this report has been published.

5 ISSUES RAISED BY THE APPLICATION

The issues raised by the application are for the Sub-Committee to determine having regard to all the relevant considerations. Whatever, the Sub-Committee decides, it must give reasons.

To assist Members and the parties further, The Licensing Services Manager will draw attention to any issues arising from this application at the hearing.

Contact Officer
Background Documents

Peter Seal 01296 585083

Ps-lsc-hst-Hong Kong Chinese Takeaway – greens may 2003
Licact30112005

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

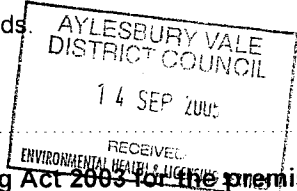
Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

~~I/We~~ Mr Kin Heng LAM

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003



Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 72 High Street			
Post town	Winslow	Post code	MK18 3DQ

Telephone number at premises (if any)	01296 712 286
Non-domestic rateable value of premises	£2750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Lam			First names Kin Heng		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number		01296 712 286			
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
2	4	112005

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note1)
 The premises is a two storeys building situated on the top end of High Street joining Buckingham Road. The area has a fair amount of mixed commercial use premises such as butcher, newsagent, pizza fast food and offices. The licensable activity (Sale of hot food/late night refreshment) only take place at the ground floor of this premises which is divided into reception area, kitchen and stores. Apart from the reception area, the rest of the premises is not accessible by the general public unless in the case of emergency as there is an exit at the rear of the premises. The reception area is basically laid out and is about 18 sq metres and normally there are no more than 15 people here waiting for their orders. Seatings are available for customers while they wait. Parking is available outside the premises

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sur.					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>	
					Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both				<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)				
Tue							
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)				
Thur							
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)				
Sat							
Sun							

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

1

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both - please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed				
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Fri				
Sat				
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 3) Sale Of Hot Food Takeaway, Late Night Refreshment	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) No Seasonal Variations		
Thur	23:00	00:00			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) No Non Standard Timing		
Sat	23:00	00:00			
Sun	23:00	00:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	
Address N/A	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 No entertainment of any kind is provided in the premises.
 No service or activities will give rise to concern in respect of children.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) No Seasonal Variation
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) No Non Standard Timings
Mon	12:00	14:00	
	16:30	00:00	
Tue	12:00	14:00	
	16:30	00:00	
Wed	12:00	14:00	
	16:30	00:00	
Thur	12:00	14:00	
	16:30	00:00	
Fri	12:00	14:00	
	16:30	00:00	
Sat	12:00	14:00	
	16:30	00:00	
Sun	16:30	00:00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The member of staff that in charge of the reception area will be trained to understand the four Licensing Objectives. Signage of the Premises Policy (enclosed) will be put up within the reception area. Any members of public who do not observe the policy will be invited to leave the premises.

b) The prevention of crime and disorder

No alcoholic drink that brought into the premises by customers will be allowed to be consumed inside the premises.
No anti-social behavior will be tolerated.
No loitering is permitted.
Seriously mis-behaved individuals will not be served, incident details will be recorded.
Internal CCTV is installed covering the reception area, footages are recorded and kept for two weeks before they are erased.

c) Public safety

Fire fighting equipments are installed and maintain annually.
Proper lighting is installed.
Public Liabilities insurance is in force.
All gas appliances comply to relevant British standards.
No inflammable gas or liquid will be stored inappropriately inside the premises.
Maximum number of people waiting in the reception area will be limited to 15.

(No risk assessment is available as the business only have 3 employees)

d) The prevention of public nuisance

Area outside the premises will be checked and sweep, if needed, after each day's business.
Any individuals that cause a nuisance will be refused entry into the premises.
Doors and windows will kept closed after 23.00 in order to minimize noise nuisance from the premises.
Ext actor fan will be switched off when cooking is finished.
Trade refuse will be kept in covered bins (located at rear of the premises with no public access) until the day of collection.
Addition signage (enclosed) for the prevention of public nuisance will be displayed near the front door.

e) The protection of children from harm

Children entering the premises after 23.00 must be accompanied by adult.
Smoking is not allowed in the premises.
No fragile object is placed in the reception area.
No heaters with naked flame or heated element that without a proper safety guard will be placed within the reception area.

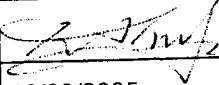
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	13/09/2005
Capacity	Authorised agent

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Mr Alex Wong
Am iss Financial
149 Sherlock Street

Post town	Birmingham	Post code	B5 6NE
Telephone number (if any)	0121 6222 808		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Burke, Kerryann

From: JanetGrady@HBOSplc.com
Sent: 13 October 2005 14:44
To: Licensing Team
Subject: Licence application for Hong Kong take away 72 High Street Winslow

Importance: High

I would like to object to the license application to extend opening hours from 11 pm to midnight in respect of the above premises the application being made by Mr K Heng Lam.

I live at 71 High Street, Winslow which is directly opposite the takeaway and feel that allowing the takeaway to open to midnight each night is not appropriate in view of the number of residential properties in close proximity. The take away has been open until midnight for some time now and it is used by people on their way home from the local pubs who are often rowdy and show no regard whatever for the local residents.

I am unable to go to bed before midnight at weekends as my bedroom is at the front of the house and it is often impossible to sleep due to the noise. In the summer groups can hang around for quite a while and there are often noisy arguments and on occasion fights break out. I believe it represents a noise nuisance which is in excess of what would be reasonably expected in the High Street and to permanently extend this nuisance to the early hours of every morning will have a detrimental effect on the enjoyment of my property

I don't want to make it difficult for the owner of the business to make a reasonable living but I also feel strongly that their right to make a living should be balanced with my right to feel safe and secure in my own home.

Janet Grady
 71 High Street
 JanetGrady@HBOSplc.co.uk

[F:~HECM]

--

 HBOS plc, Registered in Scotland No. SC218813. Registered Office: The Mound, Edinburgh EH1 1YZ.
 HBOS plc is a holding company, subsidiaries of which are authorised and regulated by the Financial Services Authority.
 =====

This email has been scanned by the MessageLabs Email Security System.
 For more information please visit <http://www.messagelabs.com/email>

B23

Burke, Kerryann

From: Valnewling@aol.com
Sent: 13 October 2005 10:13
To: Licensing Team
Subject: extending hours

Sirs,

Re: 72 High Street, Winslow. Mr K Hug Lam

I am a resident living opposite the above address in Winslow and am concerned that the extension of trading hours for Mr Lam's business will make problems in the area much more likely.

In the past I, and my neighbours, have been disturbed by activities of the young people who congregate around the take-away, having spent some time socialising. Their voices are usually raised and behaviour concerning, such as 'horsing around' which has led to them being in the road, either upright or lying! The A413 is a busy road even at night; this is exacerbated by drivers assuming there is no one about and so drive at excessive speed.

Briefly, I feel that having a food outlet open until 11pm is quite reasonable, but beyond that it is unnecessary, and certainly does nothing for this residential area.

Mrs V Newling,
69 High Street,
Winslow.

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Amass Financial 信泰事務

商業貸款 樓宇按揭 生意保險 家居保險 人壽保險 旅遊保險

15 November 2005

Mrs K Burke
Licensing Team
Environmental Health & Licensing Services
Aylesbury Vale District Council
66 High Street
Aylesbury
Bucks
HP20 1SD

**Re: Hong Kong Chinese Takeaway - 72 High Street, Winslow, Buckingham MK18 3DQ
Application For A Premises Licence To Be Granted Under The Licensing Act 2003**

Dear Madam,

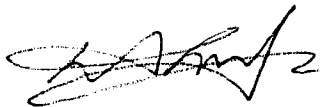
Thank you for your letter dated 4/11/2005 informing a hearing will be held for this application.

My client appreciates the concern that being raised by Mrs V Newling and Ms Janet Grady. By way of compromising, instead of applying the hours of 23:00 to 00:00 seven days a week, he has now agreed to apply just for Friday and Saturday (23:00 to 00:00).

I am also writing to confirm that my client has no intention to attend or to be represented at the hearing. However, I would be very grateful that if this change of applying hours to be notified to the sub-committee for their consideration.

I look forward to hearing from you.

Yours sincerely,



Alex Wong

B25