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Licensing and Gambling Acts Sub Committee

31 MAY 2016

PRESENT: Councillors A Huxley, J Brandis and S Renshell

**1. VARIATION OF PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR LJ'Z,
UNIT 2, BRITANNIA WALK, AYLESBURY**

The Decision of the Sub-Committee is attached.

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LICENSING AND GAMBLING ACTS SUB-COMMITTEE HEARING

Members' Record of Determination

RE: Mr Ebrahim Rostami.

LJ'z, Unit 2 Britannia Walk, Aylesbury, Buckinghamshire, HP20 1QR

**Application for Variation Premises Licence under s.34 of the Licensing Act
2003**

Date: 31st May 2016 at 10.00 am in the Olympic Room at the Gateway

Constitution of the Sub-Committee:	Cllrs. Mr Andy Huxley and Mrs Sue Renshell
Chair:	Cllr Mrs Judy Brandis
Others present:	

Legal Advisor:	Ifty Ali
Democratic Services:	N/A
Licensing Officer:	Ms Kerryann Ashton and Mr Peter Seal
Applicant:	Ebrahim Rostami / Clara Leathers/ Jemima Myers
Responsible Authority:	Thames Valley Police / Trevor Hooper
Interested Parties:	None
Members of the Public:	None
Documentation:	Report and application /Bundle representation by Applicant with Maps of Special Saturation Zone Aylesbury
Apologies:	None
Disclosures of Interest:	None

RE: Mr Ebrahim Rostami.

LJ'z, Unit 2 Britannia Walk, Aylesbury, Buckinghamshire, HP20 1QR

**Application for Variation Premises Licence under s.34 of the Licensing Act
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FINDINGS OF FACT

The Sub-Committee accepted the following findings of fact from the evidence available:

1. This hearing relates to an application for a variation to a premises licence at LJ'z Unit 2 Britannia Walk. The application is to : (1) extend the hours of opening by 15 minutes from 0245 to 0300 Friday to Saturday (2) extend the other regulated and licensable activities to 0245 on Fridays and Saturdays (3) extend licensable activities by one hour when British Summertime commences on Christmas Eve, Boxing Day, Easter Sunday, May Bank Holiday Sunday, Spring Bank Holiday Sunday, August Bank Holiday Sunday (4) to remove a number of conditions as specified in section 15 of the Application to Vary.
2. There were no representations made by any of the Responsible Authorities apart from Thames Valley Police who objected to the additional timings applied for but did accept a further 15 minutes for the sale and supply of alcohol from 0200 to 0215.
3. The licenced premise is within the Aylesbury Saturation Zone and therefore subject to the Special Saturation Policy for Aylesbury Town Centre. There is a strict application of the Special Saturation Policy but exceptions will be made in exceptional circumstances.
4. That longer licensing hours in Aylesbury Town Centre will result in more and later incidents of crime, disorder and nuisance.
5. The applicant maintained that given longer hours to his premises would not have a negative cumulative impact on the town centre and would indeed have a positive effect, supporting the licensing objectives by keeping customers away from the problem area of the town centre i.e. Kingsbury Square. The applicant also maintained there were exceptional circumstances in that LJz was the only nightclub that also offered food and that the premises were exceptional due to its location within the saturation zone as well as not being close to the larger residential areas.

Taking into account the application and representations received together with the relevant law, section 182 guidance, the Licensing Policy Statement (Nov 2015) the Sub-Committee unanimously

RESOLVED

1. Variation Application **not granted** in respect of the extension of opening hours and licensable activities termination times as applied for.
2. Variation Application **not granted** in respect of the removal of conditions referred to in section 15 of the application.
3. Variation **granted** in respect of the 1 hour extension sought in respect of bank holidays as specified in the application.

REASONS FOR DECISION

The Sub-Committee is satisfied that the Special Saturation Policy applies to this application and there are no exceptional circumstances to depart from the policy. The Sub-Committee fully accepts that Mr Rostami is an experienced and professional licensee but good character is not an exceptional circumstance and the same is true in respect of the late provision of food as the intention clearly is to provide for the sale of more alcohol to a later time which is likely to add negatively to the existing cumulative impact.

The Sub-Committee is not convinced that by granting the extension of hours a significant number of customers will remain at LJz and then leave without making an impact within the saturation zone. The position of LJz in relation to other licenced premises is not considered exceptional as they are all within the accepted saturation zone.

The Sub-Committee is satisfied that the above decision is a proportionate response to the representations made.

RIGHT OF APPEAL

An appeal against the decision of the Sub-Committee may be made by:

- a) The applicant
- b) The person who made the relevant representations

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice

