

REPORT ON AN APPLICATION FROM THAMES VALLEY POLICE UNDER THE LICENSING ACT 2003 FOR A REVIEW OF A PREMISES LICENCE RELATING TO YELLOW PARROTT AYLESBURY

1. Details of review

Applicant(s): Thames Valley Police

Premises: Yellow Parrott, Kingsbury Square, Aylesbury, Buckinghamshire, HP20 2JA

Licence holder: Mr Avtar Singh

1.1 Application for a review of a premises licence

The application is for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. Attached as Appendix 1 is a copy of the completed application form.

A copy of the current premises licence is attached as Appendix 2. A plan of the premises is attached as Appendix 5 and a location plan of the premises is attached as Appendix 6.

The application for a review of the premises licence was served by Thames Valley Police on the Council and at the same time copies were served on the holder of the premises licence and each responsible authority. The day following receipt of the application the Council advertised it by displaying a prominent notice outside the premises for at least 28 days.

2. RELEVANT REPRESENTATIONS

2.1 Responsible Authorities

Licensing Authority – During the consultation period The Licensing Authority submitted a representation. A copy of the representation is attached as Appendix 3.

Environmental Health – During the consultation period Environmental Health submitted a representation. A copy of the comment is attached as Appendix 4.

Bucks Fire and Rescue – No representation

Planning – No representation

Trading Standards – No comment

Area Child Protection Committee – No comment

Primary Health Care Trust – No comment

2.2 Other Parties

No representations were received from other parties.

3. NOTICE OF HEARING AND RESPONSES

All parties were served Notices of Hearing

No further submissions have been received to date following service of the Notice of Hearing. Members will be notified of any further responses.

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

Members must have regard to the application and any relevant representations and take such steps as set out below, as it considers necessary for the promotion of the licensing objectives.

1. to modify the conditions of the licence
2. to exclude a licensable activity from the scope of the licence
3. to remove the designated premises supervisor
4. to suspend the licence for a period not exceeding three months
5. to revoke the licence
6. no action is necessary

For this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added. As far as steps 1 and 2 are concerned, Members can decide that the modification or exclusion be permanent or for a temporary period not exceeding three months only. Members can of course decide that no action is necessary to promote the licensing objectives. Whatever Members decide, supporting reasons must be given. Members may also wish to note that there are rights of appeal to the Magistrates' Court arising from their decision and that it does not take effect until the end of the appeal period or, if the decision is appealed against, until the appeal is disposed of.

Also under the Human Rights Act, Members also need to have regard to the rights currently enjoyed by the licence holder to trade and carry on a business (Article 1 of the First Protocol). The licence holder should not be deprived of his livelihood via a decision of the Licensing Act Sub-committee unless it is necessary and proportionate to the licensing objectives being pursued. Members are therefore required to strike a fair and proportionate balance

between the general interests of the community and the rights of an individual business.

Contact Officer Kerryann Ashton 01296 585560
Background Documents Names of Background documents