

Committee: Licensing
Date: 28 September 2005
Agenda Item No: 4
Title: Mings Garden Restaurant, Hatfield Heath
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Summary

- 1 This report sets out an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence. Representations have been made to the Licensing Authority regarding the proposed operating schedule therefore this application has been referred to the Committee for deliberation.

Background

- 2 Mings Garden Restaurant is situated at The Heath, Hatfield Heath close to the junction with Harlow Road and currently has a Restaurant License to sell intoxicating liquor of all descriptions by retail for consumption only on the premises.
- 3 The applicants are Shu Wan Chiu and Ming Chu Chiu who own the premises and are the current Licence holders.
- 4 The existing Restaurant Licence permits the sale of intoxicating liquor between the following permitted hours:

Mondays – Saturdays	12 midday - 1pm
Sundays	7pm - 11pm

There are conditions attached to this licence insofar as intoxicating liquor may not be sold on the premises otherwise than to persons taking table meals for consumption by such which is ancillary to the meal. Other suitable beverages other than intoxicating liquor shall equally be available again which is ancillary to the meal. The applicants are seeking to retain these embedded conditions.

- 5 The applicants are applying for a conversion with simultaneous variation. They are seeking to remove the restrictions relating to permitted hours as set out in Section 60 Licensing Act 1964 so as to extend the hours for the sale of

alcohol and to include licensable activities which have not been previously licensed.

6 The applicants have applied for a license in respect of the following activities at the times stated:

a) For recorded music which will be inside the premises only, the hours sought are

Mondays – Sundays 5.30pm – 12.30am

b) For the provision of facilities for making music inside the premises only the hours sought are

Mondays – Sundays 5.30pm – 12.30am

This would take the form of karaoke on occasional days.

c) The hours sought for the supply of alcohol both on and off the premises are

Mondays – Sundays 5.30pm – 12 midnight

This would include Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day and all of the other Bank Holidays.

d) The hours the premises would remain open to the public are:

Mondays – Sundays 5.30pm – 12.30am

This would allow an extra 30 minutes after ceasing the sale of alcohol, which would mirror the current conditions of the Restaurant Licence.

7 Copies of this application have been served on the statutory bodies which have attracted no representations. The Licensing Authority have received representations from interested parties based on the grounds that a public nuisance may be caused by noise being emitted from the premises.

8 The applicants have not demonstrated in their operating schedule how they will promote any of the four licensing objective.

9 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, i.e:

- Grant the application
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 10 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 11 The decision which the Committee can make for this application is to:
- Grant the application
 - Modify the application by inserting conditions
 - Remove the licensable activity from the licence
 - Reject the application
- 12 If the Committee in their discretion wishes to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

RECOMMENDED that

- 1 The application is determined.
- 2 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to give evidence on behalf of the authority.

Background papers: Operating Schedule from applicant
 Plan of Premises
 Location of Premises
 Letters from interested parties