

Committee: Licensing
Date: 17 August 2006
Agenda Item No: 2
Title: Mia Rossa Restaurant, High Street, Great Dunmow
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Summary

- 1 This report sets out an application for the grant of a new premises licence. Representations have been made in respect of the operating schedule, therefore this application has been referred to this Committee for deliberation.
- 2 The Mia Rossa Restaurant is situated in High Street, Great Dunmow, opposite the War Memorial and was formally known as Wildens Restaurant.
- 3 On the 27 June 2005 the Licensing Authority granted a conversion and simultaneous variation for the premises in accordance with the Licensing Act 2003.
- 4 On 2 March 2006 the Licensing Authority granted a transfer of the premises licence from the previous owners to the current applicant who also altered the name of the premises to be known as Mia Rossa.
- 5 The Licence that was originally granted and subsequently varied permitted the following licensable activities within the premises only.
 - (a) For recorded music the times granted were:

Monday to Saturday	11.00 am – 12.30 am
Sunday	12 noon - 12 midnight

For the non standard timings ie Christmas Day and Good Friday the times granted were:

On New Year's Eve when it does not fall on a Sunday, the times granted were:

11.00 am – 12.30 am.

On New Year's Eve when it does fall on a Sunday, the times granted were 12 noon to 12 midnight.

(b) Late Night Refreshment

Monday to Saturday	11.00 pm - 12.30 am
Sunday	11.00 pm - 12 midnight

For the non standard timings the days and times are identical to those at paragraph (a) above.

(c) The sale of alcohol by retail for both on and off the premises the times granted were:

Monday to Saturday	11.00 am – 12 midnight
Sunday	12 noon - 11.30 pm

For the non standard timings ie Christmas Day and Good Friday the times granted were:

12 noon – 11.30 pm

On New Year's Eve when it does not fall on a Sunday the times granted were:

11.00 am -12 midnight

On New Year's Eve when it does fall on a Sunday the times granted were:

12 noon – 11.30 pm.

d) The hours granted when the premises can remain open to the public were:

Monday – Saturday	11.00 am – 12.30 am
Sunday	12 noon – 12 midnight

For the non standard timings ie Christmas Day and Good Friday the times granted were:

12 noon – 12 midnight.

On New Year's Eve when it does not fall on a Sunday the times granted were:

11.00 am – 12.30 am.

On New Year's Eve when it does fall on a Sunday the times granted were:

12 noon – 12 midnight.

- 6 The Licensing Authority having granted the licence and transfer in accordance with the Licensing Act 2003 has not received a notice of appeal against its decision either from the applicant, statutory body or interested party. In addition, the Licensing Authority has not received an application to formally review the licence.
- 7 The applicant seeking this new premises licence is Stephen Collard who is the current owner of the restaurant.
- 8 The operating schedule and plans submitted indicate that the premises licence requested now includes the building itself plus the garden area at the rear which was not previously licensed.
- 9 This area will only be used for the sale of alcohol by retail. No other licensable activity will take place in the garden area.
- 10 The operating schedule that has now been submitted seeks to alter the times previously granted and the activities now sought are listed below:
 - a) Recorded Music
Monday – Sunday 11.00 am – 12 midnight
Non standard timings are not shown.
 - b) The supply of alcohol by retail for consumption both on and off the premises
Monday – Saturday 11.00 am – 12.30 am
Sunday 12 noon – 12 midnight
Non standard timings are not shown.

- c) The hours the premises are to be open to the public
- | | |
|-------------------|------------------------|
| Monday – Saturday | 9.00 am – 12.30 am |
| Sunday | 11.00 am – 12 midnight |

For the non standard timings which includes Christmas Day and Good Friday 12 noon – 12 midnight and for New Year's Eve
11.00 am – 12.30 am

- 11 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder.
- Not to serve patrons who are drunk
 - Anti social behaviour to be reported to the local police
- 12 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding public safety
- Beware of all licensing commitments, and the Health and Safety Act.
- 13 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance.
- To put up signs in the garden warning of respect to neighbours.
- 14 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the protection of children from harm.
- Children eating accompanied by adults only.
 - Enforce no alcohol to minors.
- 15 Copies of this application have been served on the statutory bodies with representations being received from the Principal Environmental Health Officer. These are based on the licensing objective regarding the prevention of a public nuisance.
- 16 Representations have been received from interested parties based on the licensing objective that relates to the prevention of crime and disorder and the prevention of a public nuisance. It is feared that anti-social behaviour and excessive noise would result if this application was granted.

17 The Police, in consultation with the applicant, have asked that the following conditions be inserted on any licence that may be granted. These have been agreed with the applicant.

- CCTV shall be installed to cover the outside area.
- Waitress service only in the outside area.
- All beverages both alcoholic and non-alcoholic not to be served in glass bottles in the outside area.

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

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

19 The decision that the Committee can make for this application is to:

- Grant the application
- Modify the application by inserting conditions
- Remove the licensable activity from the licensee
- Reject the application

20 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.

21 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 an officer is nominated to give evidence on behalf of the Authority.

Background Papers: Operating Schedule
Representations from the Principal Environmental
Health Officer
Plan of Premises
Location of Premises
Letters from interested parties
Current Premises Licence