

## AGENDA

### LICENSING COMMITTEE HEARING

TUESDAY, 18 MAY 2021

1.30 PM

COUNCIL CHAMBER, FENLAND HALL

Committee Officer: Linda Albon  
Tel: 01354 622229  
e-mail: memberservices@fenland.gov.uk

Whilst this meeting will be held in public, we encourage members of the public to view the meeting via our You Tube channel due to current Covid-19 restrictions.

The link for this meeting is:

<https://youtu.be/pNkQSQiDsjI>

- 1 To receive apologies for absence.
- 2 Members to declare any personal and prejudicial interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 3 DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - MARCH TANDOORI, ST PETERS ROAD, MARCH (Pages 3 - 46)


To consider an application for a new premises licence in respect of March Tandoori, 47 St Peters Rd, March, PE15 9NA

Monday, 10 May 2021

Members: Councillor M Humphrey (Chairman), Councillor A Maul and Councillor N Meekins

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# Agenda Item 3

Agenda Item No:	<b>3</b>	
Committee:	<b>LICENSING</b>	
Date:	<b>18 May 2021</b>	
Report Title:	<b>DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 – MARCH TANDOORI, ST PETERS ROAD, MARCH</b>	

## 1 Purpose / Summary

- To consider an application for a new premises licence in respect of March Tandoori, 47 St Peters Rd, March, PE15 9NA

## 2 Key issues

- There has been an application submitted for the New Premises Licence
- It is the responsibility of all premises licence holders to demonstrate that suitable and sufficient measures are undertaken to uphold the four Licensing Objectives of the Licensing Act 2003;
- Relevant representations have been received regarding this application from 'Any other Persons' (Local Residents)
- There is a requirement to hold a hearing to determine the application for a new premises licence.

## 3 Recommendations

- That the committee determines the application, having regard for the evidence presented by the parties to the hearing, the relevant legislation and guidance applicable to this process and the content of this report.

<b>Wards Affected</b>	March
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Councillor Andrew Lynn, Portfolio Holder with responsibilities for Licensing
<b>Report Originator(s)</b>	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: <a href="mailto:mbishop@fenland.gov.uk">mbishop@fenland.gov.uk</a>

<b>Contact Officer(s)</b>	<p>Dan Horn, Head of Housing &amp; Community Support, Tel 01354 654321, Email: <a href="mailto:dhorn@fenland.gov.uk">dhorn@fenland.gov.uk</a></p> <p>Carol Pilson, Corporate Director, Tel: 01354 622360, Email: <a href="mailto:cpilson@fenland.gov.uk">cpilson@fenland.gov.uk</a></p>
<b>Background Paper(s)</b>	<p>Licensing Act 2003</p> <p>Section 182 Guidance to the Licensing Act 2003</p> <p>The Licensing Act (Hearings) Regulations 2005</p> <p>Fenland District Council's Statement of Licensing Policy 2021 - 2026</p>

## Report:

### 1 Background / introduction

- 1.1 The applicant Mr Adeeb Ahmed is applying for a new Premises Licence for March Tandoori, 47 St Peters Rd, March PE15 9NA
- 1.2 Mr Adeeb Ahmed is the proposed Designated Premises Supervisor responsible for alcohol sales, we are awaiting confirmation of his personal licence details.
- 1.3 A copy of the application and plan can be seen at **APPENDIX B**
- 1.4 In April 2021 an application was received, the below table highlights the activities and times as applied for:

Licensable Activity	Application Applied
Late Night Refreshment - both indoors and outdoors	Monday - Sunday 23:00 - 01:00
Sale of Alcohol - On & Off Sales	Monday - Sunday 16:30 - 01:00
Opening Hours (Please note this is not a licensable activity)	Monday - Sunday 16:30 - 01:00

- 1.5 In accordance with the provisions of the Licensing Act 2003, the applicant has completed the statutory 28-day consultation period by displaying a copy of the notice on blue coloured paper and an advert in the local newspaper.

### 2 Considerations

- 2.1 The application was submitted electronically and therefore it was the responsibility of the Local Authority to serve this application to all the Responsible Authorities.

(a) Cambridgeshire Constabulary	No representation - Conditions agreed during consultation period.
(b) Cambridgeshire Fire & Rescue	No representation
(c) Public Health – CCC	No representation
(d) Environmental Health	No representation
(e) Health & Safety	No representation
(f) Safeguarding & Standards Unit – Children Services	No representation
(g) Development Services - Planning	No representation
(h) Licensing	No representation
(i) Trading Standards	No representation
(j) Any Other Persons	Representations

- 2.2 During the consultation period PC Hawkins on behalf of Cambridgeshire Constabulary liaised with the applicant regarding the operating schedule conditions, an agreement was reached for these conditions to be added to licence subject to it being granted.
- 2.3 A copy of these conditions can be found at **APPENDIX C**
- 2.4 During the consultation period 14 objections were received from 'Any other Persons' (local residents), the main concern raised was in relation to the noise nuisance the premises may cause and crime & disorder
- 2.5 The Licensing Act 2003 encourages discussion between persons making the applications and those serving objections with the aim of resolving issues of concern, to strike the balance between enabling the applicant to operate his/her premises in a manner that meets his/her business needs/aspirations and the necessary protection of the community.
- 2.6 On receiving these objections, contact was made with the applicant to advise them of the community concerns and if there was any chance of mediation.  
The applicant was happy for the Council to mediate and during this time the applicant agreed to the following changes:
- The Outside decking area to close at 11:00pm
  - The inside seating area and premises to close at midnight
- 2.7 As part of the mediation process, the Licensing Authority contacted the interested persons logging an objection updating them of this amendment.
- 2.8 This offer was not accepted, and persons still wished to object.
- 2.9 The Council continued to mediate and during this time the applicant agreed to the following changes:
- The Outside decking area to close at 10:30pm
  - The inside seating area and premises to close at 11:30pm
- 2.10 This was well received by some of the persons objecting and as a result 5 persons withdrew their objection. Therefore, this left 9 objections with regards to this application. A copy of the objections can be seen at **APPENDIX D**.
- 2.11 The objections received fall mainly with the licensing objective of Public Nuisance and Crime & Disorder
- 2.12 We have advised interested parties that where there is mention of approved planning permission or other concerns not relevant to the licensing objectives these comments cannot be taken into account by the panel because legislation does not allow for it to do so.

### **3 Community impact**

- 3.1 The Act gives greater freedom to operators and users of premises, which is balanced by greater responsibilities for licensees and tempered by strengthened protection for the community.
- 3.2 The Licensing Act 2003 seeks to provide public protection by way of the four licensing objectives.

### **4 Conclusions**

- 4.1 In undertaking 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.
- 4.2 When determining an application for a new premises licence, due regard should be given to the Council's Statement of Licensing Policy and the Secretary of State's Guidance section 182.
- 4.3 The committee in its determination can take one or more of the following steps as it considers appropriate for the promotion of the licensing objectives:
- a) to grant the application subject to:  
such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the four licensing objectives, and any mandatory conditions which must be included in the licence;
  - b) refuse the application.
- 4.4 The hearing will be conducted in accordance with the approved procedures and can be seen at **APPENDIX A** to this report.

### PROCEDURE FOR DETERMINATION OF APPLICATIONS MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 FOR A NEW PREMISES LICENCE

#### INTRODUCTION

- Meetings of the Licensing Committee, whether the full committee of 12 members or panels of 3 members drawn from the full committee, shall be held in public unless the Licensing Authority deems that it is not in the public interest to do so. Reasons for exclusion of the public must be given at the hearing by the Chairman of the committee. Determinations will be made in private at conclusion of the hearing but announced in public thereafter.
- All hearings convened will be heard by a panel known as the Sub-Committee (but still referred to as the Licensing Committee) of 3 members drawn from the full committee of 12. The quorum of the committee/panel is 3 members. Therefore, 4 members of the Licensing Committee will usually be invited to attend each hearing (i.e. one as a reserve), in case of one of those invited subsequently needing to tender an apology for absence or, on being informed of the details of the application or meeting the applicant or objector (or for some other reason), deciding that s/he possesses a personal and prejudicial interest in the matter that prevents him/her participating in the hearing. At the beginning of each committee/hearing a Chairman will be appointed by those members present unless the Chairman of the whole committee is present.
- Members of the committee shall endeavor to be present throughout an individual hearing. If a member of the committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the member's absence. If a member is not present for the whole of an item of business, they will not be able to debate or vote on that item of business.
- Where a committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he/she has not attended the site visit.
  - (a) To avoid taking into account "local" factors that could influence improperly his/her judgement, a member cannot serve on the committee undertaking a hearing at which a matter is being discussed that relates to a Premises Licence, Club Premises Certificate, Temporary Events Notice or Personal Licence where either the premises are or the person is resident in the ward which that member represents on Fenland District Council.,

When selecting members to participate in a hearing, the Member Services team will ensure there is compliance with this requirement.

**NOTE:** All questions and statements will be directed through the Chairman.



## **APPENDIX A – LICENSING PROCEDURES**

### **INTRODUCTION**

- (1) The Chairman will, at the beginning of the meeting, welcome all those present and explain both the reason for the hearing and the procedure to be followed. They will inform attendees of any changes to committee membership (if any) since publication of the Notice of Meeting. The Chairman will also seek confirmation that everyone present has received all documentation.
- (2) The Chairman will introduce to all present the members of the committee.
- (3) The Chairman will then introduce and explain the respective roles of
  - (i) the Legal Adviser to the committee
  - (ii) the Clerk to the committee
  - (iii) the officer representing the Licensing Authority (“the Licensing Manager”).
- (4) The Chairman will invite those present to introduce themselves.

### **BODY**

- (5) The Chairman will ask the Licensing Officer to outline the case, by presenting the report which refers to the new application of the premises licence and the licensable activities, days and hours of operation, specified on the application.
- (6) The Chairman will invite members of the committee to ask relevant questions to clarify the content of the Licensing Officer’s report.
- (7) The Chairman invites the applicant (or his/her representative) to put the case in support of the application for a new premises licence.
- (8) If applicable the applicant can call any witness(es) to give evidence in support of his/her case.
- (9) Once the applicant has presented his/her case, the Chairman invites questions to the applicant, his/her representative and/or witnesses from:
  - members of the committee.
- (10) The Chairman will then invite any interested persons to put forward their case, based on the representation submitted.

### **CONCLUSION**

- (11) The Chairman then invites the applicant of the premises licence, responsible authorities and interested persons (or their representatives) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. (This may not be required)
- (12) The Chairman seeks confirmation from all parties that they are satisfied that they have said all that they wished to.
- (13) The Chairman will then thank all those who have spoken and invite the committee to retire in private to determine the application. The committee members will then debate the case presented to them at the hearing and seek to reach a determination. When the committee has reached a proposed determination with reasons or has decided to defer a

## **APPENDIX A – LICENSING PROCEDURES**

determination, it shall call in the Legal Adviser to clarify the proposed determination/decision.

### **DETERMINATION**

- (14) Once a determination/decision has been reached, the committee will return to the room and the Legal Adviser will announce in public any legal advice that he/she has given in private.
- (15) The Chairman will read out the determination and the reasons for such (unless the committee is unable to reach a determination at conclusion of the hearing). A signed copy of the determination will be given to all interested parties.
- (16) If the committee is unable to reach a determination at that time, the Chairman will explain that all interested parties will be notified as soon as possible in writing (but within 5 working days) of the determination and the reasons for such.
- (17) If the applicant is not happy with the determination, they can appeal to the magistrates court within 21 days.

\* required information

### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Adeeb

\* Family name

Ahmed

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="47"/>
Street	<input type="text" value="saint peters road"/>
District	<input type="text"/>
City or town	<input type="text" value="march"/>
County or administrative area	<input type="text" value="cambridgshire"/>
Postcode	<input type="text" value="pe15 9na"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="4,500"/>

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

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

**Section 4 of 21**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK  
Right to work share code if not submitting scanned documents

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?  16 /  03 /  2021  
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

*Continued from previous page...*

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

March Tandoori is a restaurant/takeaway. it has 30 estimate seating inside. we serve food, drinks/alcalhol.

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will you be providing recorded music?

Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End



*Continued from previous page...*

SATURDAY

Start  End   
Start  End

SUNDAY

Start  End   
Start  End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

none

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

**Continued from previous page...**

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

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

**Name**

First name

Family name

Date of birth  /  /

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

**Continued from previous page...**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

none

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

## Section 18 of 21

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

>ID identification  
> CCTV  
>SIA licence holder  
>information warning signs

b) The prevention of crime and disorder

We will be have a fully licensed security on the premises at all time. this will help any possible crimes from happening. we will also have CCTV footage running in and around the premises with full and clear HD images permitting the identification of individuals.

c) Public safety

running the CCTV footage at all times (24hours) while the premises are open for licensable activities and the equipemnt we are using have the constant and acurate time and dates generation. we will also have signs inside/outside that will be giving the customers and the public an indication that the CCTV is running.

d) The prevention of public nuisance

March Tandoori staff will not be selling alcohol to any individual who is already overly intoxicated before enetering our premises. If they are causing any disruption to the member of the public and staff they will be removed from the premises and if needed will be reported to the police. . All this again will be under 24 hours CCTV footage and will be securely retained for a minimum of 31 days. Our CCTV system has a security function, that includes password for protection.

e) The protection of children from harm

making sure we see the ID if every individual we believe who look under age. looking out for any under age children if we believe are there with out an adult or guardian.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

*Continued from previous page...*

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**



*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. The fee will depend on the NDR (Non Domestic Rateable) value of the premises. Band A = £100 Band B = £190 Band C = £315 Band D = £450 Band E = £635

\* Fee amount (£)

190.00

**DECLARATION**

Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Adeeb Nadeeb Ahmed

\* Capacity

CEO/Director

\* Date

16 / 03 / 2021  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/fenland/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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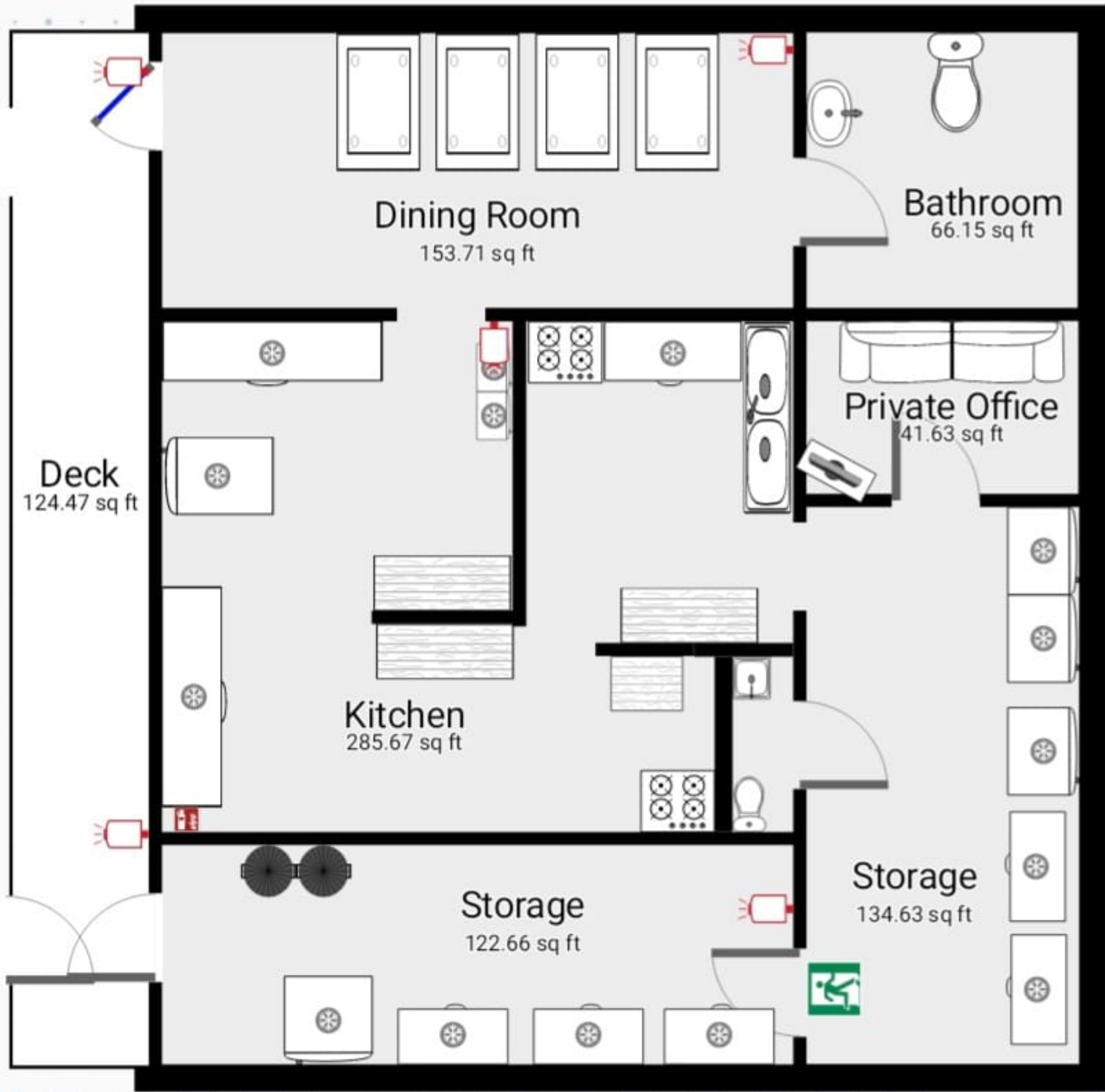
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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## **APPENDIX C – POLICE AGREED CONDITIONS**

I write in reference to your recent licence application regarding March Tandoori, Saint Peters Road, March PE15 9NA, (FDC Ref: 21/0137/LAPRE) premise licence application, as you are probably aware the Police are asked to comment on the licence as a Responsible Authority.

At this stage propose the **following amendments**

1. Supply Of Alcohol – Hours reduced to Monday to Sunday – 16:30 to 00:30 hours

This is a reduction each day of 30 minutes which allows for drink / eating up time prior to closure at midnight.

### **Police proposed Voluntary Conditions.**

1. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection upon request by an officer of a Responsible Authority.
2. All staff shall be trained in requirements of the Licensing Act 2003 & relevant age restrictions in respect of the sale of alcohol, Challenge 25 Scheme, recognising signs of drunkenness, how to refuse service, the premises' duty of care, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, the conditions in force under this licence.
3. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of the Licensing Authority.
4. Premises licence holder must ensure that :
  - a. CCTV cameras are located within the premises to cover all public areas internally and externally, including all entrances and exits.
  - b. The system records clear images permitting the identification of individuals.
  - c. The CCTV system must securely retain all recorded footage for a minimum of 31 days.
  - d. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
  - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - f. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a

removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.

g. The premises licence holder will ensure that a digital CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.ico.gov.uk](http://www.ico.gov.uk)) regarding installation of CCTV is provided at the premises.

### OBJECTION 1

I am writing to raise an objection to March Tandoori's application for a license to serve alcohol.

During the past few weeks this premises has built an outdoor seating area outside their takeaway without planning permission in place. This takeaway is located on a residential street and it's my belief that the residents will be subjected to excessive noise levels and antisocial behaviour from people sitting in this area without adding alcohol to the mix.

Please consider the impact this is likely to have on this residential street and consider not granting this license.

Further to my previous email I would like to expand on my concerns regarding March Tandoori's licence.

As a resident living in close proximity to the March Tandoori I am affected by this licencing application. The area surrounding March Tandoori is mainly residential in nature, with the Rose and Crown Pub immediately next door. The Rose and Crown benefits from its own private parking area which more than meets the needs of its customers. Opposite the March Tandoori there are some properties which benefit from its own driveways however heading towards the junction with Elwyn Road all properties (except for one) have to make do with on street parking. Quite often residents cannot park anywhere close to their properties which causes issues with things like carrying shopping or the movement of children. At approx. 4.30-5pm on an evening there are approximately 6-8 Nissan Micra's parked in and around the Tandoori. With the building of the new decking area outside of the takeaway this is now all on street parking. Prior to the decking area there would occasionally be a couple of vehicles parked off road in front of the restaurant. Parking is an issue as a result of the additional vehicles, but it is tolerated by residents. This part of St Peters Road is narrow as a result of the on-street parking. The road however is used by Tractors and Lorries, in particular from Betts Haulage which on occasions can bring traffic to a standstill as they negotiate the tight space. The property immediately opposite the Tandoori recently successfully applied to have their kerb lowered and a white line put across, as the vehicles connected with the Tandoori make it dangerous every time they attempted to pull out of their drive. The lowered kerb has solved the problem for them but has moved the problems further down the road. Where will these additional vehicles park as a result of the expansion?

The majority of my concerns revolved around the public nuisance licencing objective. It is important to acknowledge that this business operates in a residential area. I have already heard comparisons drawn with the Rose and Crown, which is a well-established venue, with experienced licensees, off road parking and they have a track record of ensuring that all their patrons are well behaved. Only Friday and Saturday is it open until midnight and it is closed at 11pm all other evenings, these are the opening hours listed on their website. The outdoor seating area is to the rear of their premises and does not impact on myself as a resident. Patrons leave the area and do not loiter.



Therefore, it concerns me that the Tandoori wish for a late-night licence which will create an opportunity for people to remain in the area and to draw in people from other licenced premises after they have closed. On a weeknight there is the real potential for this to be the only late-night drinking venue in the town with regards to how all the other pubs in town currently operate. There have also been social media posts made by people connected to the Tandoori asking for feedback on turning the venue into a Shisha Bar. This fundamentally shifts the function of the premises as it will no longer be just a takeaway with a dine in function.

The licencing application refers to the serving of alcohol both on and off premises including consumption both indoors and outdoors. By outdoors this means that the Tandoori will allow alcohol to be consumed on the newly built decking area. There is no doubt that the decking is a permanent structure which is at the front of the premises and faces immediately onto St Peters Road. It is literally metres away from properties. It is likely that this permanent alteration to the shop front would require planning permission and at the time of writing this has not been obtained by any persons connected to the business or building. I am aware that the Planning Department at Fenland District Council are conducting their own investigations. Therefore, until that is resolved it would be highly irresponsible for the Council to permit alcohol to be consumed on this decking area. The Tandoori again have made references on their own social media pages to this decking area being as a result of COVID. However, the permanent nature of this structure goes well beyond the guidance issued by Robert Jenrick the Secretary of State which covers responsibility for Local Government.

If the decking area is allowed to operate in the manner suggested by the applicant then quite simply local residents are not going to get a decent night's sleep, any drunken related behaviour is likely to have consequences for neighbours. Although clearly not as a result of purchasing alcohol from the Tandoori, I recently had two drunken males exit the Tandoori and use the fencing area for the properties opposite as a toilet. I am fearful that this will become a regular occurrence. Does the Tandoori even have toilet facilities for its customers?

The decking area was built without any effort to engage with the neighbouring properties. The licencing application again was made without any prior attempt to gauge opinion from local residents. Since the application there have been efforts made to gather more information from the applicant about what exactly is proposed and he has declined the opportunity to engage, which leaves us with the only response but to respond formally to the application with objections. The applicant has stated on social media that he took over management of the premises in 2020. By the fact that he is applying for his DPS suggests to me that he is not suitably experienced to expand the business in the way he wishes whilst alleviating the concerns of other residents. Again, on another social media post where someone suggested 'best get some speakers out too (sic) get a little mini little deck club party going' Addy Ahmed 'loved' the comment and responded, 'maybe lol'. How can comments like that offer any reassurance to local residents? The applicant does not live in the district and it is my concern that he will close his premises at pretty much any time of his choosing and the wider public nuisance and crime and disorder issues will be left for the residents to deal with afterwards. The decking area has a low barrier/gate and will be easily accessible by any persons outside of opening hours. How can that area be safely secured? In the licencing application there is reference to the use of SIA door staff. How can a takeaway in a residential area out of the town



centre even justify that as a consideration? The licensing application may present to some people who have not read it in any detail as something merely to permit alcohol deliveries with takeaways but if it is approved in its entirety it will allow far more much than that with the consequences faced by the people residing in the immediate vicinity of the premises, many of which who have young families.

## OBJECTION 2

I am emailing to object to the granting of an alcohol license for the above business. There is already in the immediate vicinity a corner shop that sells alcohol less than 50 meters down the road, the "rose and crown" next door and a "one stop" shop on the causeway in march and on high st in march "Rigbys" the pub about 400 meters away. How many more alcohol outlets does such a small road /area need? Couple the fact that an a obvious outdoor undercover seating area has been built out the front of the building beside a busy main road, that can be used for drinking right beside a busy road, that could/will create rowdy or noisy people in the street. It is already a problem road with residents cars parked and takeaway customers with what seems like very little road sense crossing the street it can only make problems worse. I really don't see why as there are no other kebab/pizza fast food takeaways that have a alcohol license that this takeaway in a residential area should have one.

### OBJECTION 3

I object to the licensing to sell alcohol and stay open till 1am . There is a public house next door that sells alcohol and food , and a convenience store 50 meters up the road that sells alcohol. The need to sell alcohol till one am is not in keeping with the needs of local people as it a residential road and not a town centre.

#### OBJECTION 4

To whom it may concern.

We are emailing with regards to application 15345 relating to the proposed changes of the license at March Tandoori on St Peter's road.

Firstly we would like to make it clear that we support the Tandoori being able to sell alcohol with dine in meals and takeaway, providing it is policed properly. Which we have been assured by Mr Ahmed that it will be.

Our concerns are relating to the use of the newly built outside seating area at the front of the premises and the change of opening hours which we feel are more suited to a town Center not a built up residential street.

I have attached photos to show the proximity of the premises to our home for reference and understanding.

Our main concern is related to the nuisance noise of individual/ groups using the outside seating area - especially with alcohol inhibiting perceptions of the noise being generated. Plus that opening such late hours may attract undesirable individuals/ groups that have been drinking elsewhere or been removed from the town Center etc (regardless of if they are served anymore alcohol). Leading to antisocial behaviour, littering and damage to property.

Whilst we are sure that Mr Ahmed and his team will do their utmost to contain the noise, due to the type of structure it is there is no way to add any soundproofing to stop the sound travelling directly into our children's bedrooms. Therefore it has a very real potential to impact on the quality of sleep that our children/ family and neighbours get. We have a 7 month old and 6 year old, the 2 neighbours to the right of us have young children as do many others to the left of us who are in very close proximity to the Tandoori.

Whilst the application doesn't state that this is anything the Tandoori plan to do at this time, we noted that the license would allow regulated entertainment (specifically referring to amplified live/ recorded music) until 11pm without the need for any further applications. This is concerning as it could potentially happen later on should they wish to do so - or if the business was sold on.

We would also ask that it be considered if they will need further recycling bins and where they will be stored/ collected from as currently on a Wednesday the path directly outside the Tandoori is impassable all day until 4.30pm for anyone with a buggy or wheelchair (without going onto the road) due to the bins being placed there for collection. Which is a safety concern given all the children being taken to school etc and how fast motorists go down this stretch of road.

We would like you to consider adding some conditions/ amendments prior to approving the application which we have put our suggestions below

- the Tandoori being allowed to open the same times as the pub next door (12am Fridays and Saturdays and 11pm all other days)

- the outside seating is closed at 11pm latest and any remaining customers are allowed to finish their evening inside (Covid rules dependent)

- no amplified live or recorded music to be played in the outside seating area

We feel that these are reasonable concerns and the above conditions/ amendments would offer some reassurance whilst allowing the Tandoori to move forward with their plans.

## OBJECTION 5

We wish to make the following objections to the possible licensing of March Tandoori, 47 St Peter's Road, March

We are concerned about the possibility of March Tandoori being issued with an alcohol licence and an extension to their opening hours.

The Rose and Crown pub in St Peter's Road which is situated next to the March Tandoori is a quiet and much liked pub serving real ale and meals. Their customers do not present a parking problem because the pub has a large car park of its own adjoining the pub.

St Peter's Road is one of the main roads out of town. It is used extensively by heavy lorries, large agricultural vehicles and large vans. The road has a major parking problem 24 hours a day. Vehicles are parked on both sides of the narrow road making space to drive between the parked vehicles at that end of the road very difficult. At the moment houses opposite the March Tandoori have problems because vehicles belonging to March Tandoori and people collecting take away food park in their entrances because they cannot find parking nearby. Any increase in people staying to eat at March Tandoori will only increase the problem and make visibility for people using the new crossing and vehicles approaching it more difficult.

Families and older people live in the concentration of properties alongside and opposite March Tandoori. We do not think it is appropriate for outdoor drinking and eating to be open and along the narrow pavement late at night. The shelter that has recently been constructed is on March Tandoori property and built up to the pavement.

We wish to maintain the character of St Peter's Road and do not see any need to increase the availability of the extended hours bearing in mind that young families and older people live close by and they wish for quiet evenings to continue. .

The idea of the need to employ licensed door staff to manage the venue implies a situation completely out of character with the residential area.

We recognise that the applicant has made some amendments to the application.

However:-

We are still concerned about Public Safety and the Prevention of Public nuisance.

We think that the opening hours should not be any longer than those of the Rose and Crown. The Rose and Crown has a license which allows them to be open until midnight on Friday and Saturday nights and until 11pm Sunday to Thursday.

We recognise that the March Tandoori intends to close at 11.30pm each night. Bearing this in mind, we can understand their wish to be open until 11.30pm. We think it is reasonable that they may open until 11.30pm on Friday and Saturday nights and that like the pub they should close by 11pm on Sunday -Thursday evenings. Whatever their hours the decking area should be closed at least one hour before closing time.

## OBJECTION 6

We are concerned about late night noise nuisance due to the 1am closing time. We feel that there is very little that door staff can do to reduce people making noise when leaving the venue, and that will cause problems in the early hours of the morning.

We are also concerned about litter and parking. This is a mainly residential street with little off road parking. The venue is very close to houses, and to the road. We feel that opening a seating area will encourage people to drive to the venue, and may park dangerously.

## OBJECTION 7

To whom it may concern

We have grave concerns that March Tandoori have submitted an application for both an alcohol license and an extension to their opening hours. I understand that if this is granted they will be able to serve alcohol both inside and out of their takeaway on the decking area until the early hours of the morning. The decking area which in our opinion is an eyesore and out of keeping with the area is located to the front only metres away from residential properties. we have concerns which include noise crime and anti-social behaviour. There is no parking to this establishment on a road that is already over congested. We already have one public house on St. Peter's road and do not feel there is the need for another which is virtually next door. We strongly object to this application and hope you will give our comments your utmost consideration



## OBJECTION 8

I live opposite March Tandoori on St Peters Road with two young children. The effect on our sleep, noise pollution, mental health and general quality of life will be greatly affected if March Tandoori are granted an alcohol license and can open to 1 am.

Please consider the area, which isn't centre of town but a built up housing area. Also please consider the type of people and age an establishment like this will attract with an alcohol license and a closing time most pubs can't match.

## OBJECTION 9

Good morning, I would like to raise my concerns and objections to a licence to serve alcohol at the March Tandoori takeaway on St Peter's Road.

They are as follows

The noise level will increase and will go on later into the night/early morning. Potential antisocial behaviour, drunks getting more drunk on their way home.

Most residential properties on that side of the road are built right up to the path, there will be people staggering past knocking into properties or even through the windows.

Drunken behaviour can often go hand in hand with crime, public nuisance issues and other issues. There are children living in the area who may be witness to any number of these offences. This is a residential road and late night drinking is not conducive to this environment.

I am unsure of the toilet facilities, but have, in the past, seen men come out of the takeaway and urinate in the street, up against the houses and also there is an alleyway to the back of the cottages, which has been used as a toilet. Not only is this unhygienic, its indecent exposure, which I am sure none of the residents of this road want to witness.

The noise level from there has been intolerable at times, with people shouting and cars revving, to serve alcohol until 1 a.m. will make that worse.

It is next door to the Rose and Crown public house, which in the 35 years of living in this road I have never had a problem with, it does seem a shame that someone wants to take their trade away by selling alcohol until late. I feel the March Tandoori have a good business with their takeaway food without selling alcohol virtually on the street.

I am unsure where they will put the huge bin if people are using the outside seating, it will be unhygienic to have to sit near it and it will block the path if its moved, takeaways and their bins can attract vermin, I would rather not have that closer to my house.

When I first moved into my house, the building was empty, then it was used as a vegetable shop, I would have not moved here if there was a takeaway serving alcohol until the early hours, and I am sure many of my neighbours feel the same. This will have a detrimental effect on the properties if anyone wishes to sell.

Further to my previous email, (which I have re sent this morning) I am now aware that the takeaway have suggested new closing times, i.e. earlier than originally planned. As this is a residential road, it is still too late to close at the new proposed times, certainly during the week, the noise level will still have a detrimental effect on residents.

**FENLAND DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE DECISION NOTICE**

**March Tandoori, St Peters Road, March PE15 9NA**

**Tuesday 18 May 2021**

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**Sub-Committee (“the Committee/ We”): Cllrs Humphrey (Chair), Maul and Meekins**

**Premises Licence Holder (“PLH”): Mr Adeeb Ahmed**

**Designated Premises Supervisor (“DPS”): Mr Adeeb Ahmed**

**Premises: March Tandoori, St Peters Road, March PE15 9NA**

**Legal Officer: Colin Miles**

**Licensing Officer: Michelle Bishop**

The Committee was convened today to hear an application for a new premises licence for the premises known as The March Tandoori situated at 47 Peters Road, March.

A formal written decision notice will be sent to all parties forthwith, however the decision is as follows.

The Licensable activities and hours can be found at Appendix B of the committee papers.

The Committee has read the papers previously forwarded and heard from in person:

- The Applicant
- No Objectors attended

The committee notes that there have been no representations submitted by the Responsible Authorities other than by the police. The police proposed additional conditions to be attached to the Operating Schedule which the applicant has agreed to, therefore the police have removed their representation. These additional conditions can be found at Appendix C of the committee papers.

Also, the Applicant was willing close the outside decking area at 2230hrs, and the indoor seating area at 2330hrs.

During the consultation period a number of representations were received objecting to the grant of the licence, however, following mediation, some nine objections remain.

These objections which can be found at Appendix D, relate to:

- Noise nuisance emanating from within and without the premises, especially late at night
- Lack of planning permission
- Other licensed premises in the area
- Limited parking in the vicinity, narrow roads with lorries parking on kerbs nearby
- Alcohol related anti-social behaviour

- Vehicles coming into the area late at night causing a noise nuisance

Many of the objections raised are not valid considerations for this committee as they fall outside of the remit of the licensing regime. Noise nuisance, alcohol related crime and antisocial behaviour associated with the proposed application before us, do invoke the committee's discretion.

During our deliberations, we referred to the statutory government guidance and our own statement of licensing policy.

The committee believes that the Operating Schedule is sufficient to alleviate residents' concerns, as amended. We are concerned with noise emanating from the outside eating area being close to residential properties, late at night.

### **Decision**

It is the Committee's decision to grant the licence as applied for subject to the additional conditions agreed with the police and that the outside area to close at 2230 hrs and the inside seating area to close at Midnight with the sale of alcohol to cease at those times at those two areas.

Any person who is aggrieved with this decision may appeal the decision to the Magistrates' Court sitting in Peterborough within 21 days of the date of this decision. There may be a fee to pay.

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Signed by the Chairman of the Sub-Committee



Date signed: 18 MAY 2021