

IN THE MATTER OF BEIJING NOODLE

HEARING NOTE

1. **Application for:**

Sale of alcohol off the premises

Monday to Saturday 1100 to 0045

Sunday 1100 to 2345

Late Night Refreshment

Monday to Saturday 2300 to 0045

Sunday 2300 to 2345

Premises open to the public

Monday to Saturday 1100 to 0100

Sunday 1100 to 2400

The premises

2. The premises offer oriental food, both to eat in and takeaway. The business has been operating in its current format since 2011. It was taken over by the applicant in September 2020.
3. The premises previously held a premises licence for the sale of alcohol until 2300. The former operator went into liquidation in May 2020. No transfer application was made and the licence lapsed.
4. The former licence permitted the sale of alcohol both on and off the premises. This application is for off-sales only. Further, there will be no off-sales to customers at the premises. Off-sales will be limited to home delivery as part of a food order.

Conditions

5. Applicant has agreed conditions with the Licensing Authority who have withdrawn their representation (p 43).
6. Conditions were put forward in the Operating schedule (pp 18-19). These were amended on the advice of Licensing (pp 37-39). A combined list of conditions from the Operating Schedule and Licensing is attached at Appendix 1.

Evidence

7. There are no representations from any responsible authorities (RAs). There are three representations from residents.
8. All RAs were informed of the application and were able to make representations. Only one, Licensing, did so. This was to request amended conditions and the reduction of permitted hours by 15 minutes to allow food preparation and serving time. Both of which are accepted by the Applicant.
9. If an RA does not make a representation it is reasonable to conclude that the RA has no concerns relating to the application. The s.182 guidance underlines the weight that should be given to the views of the RAs:

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective (para 9.12).

10. There are no representations from RAs and in particular Environmental Health which is the main source of advice in relation to the public nuisance licensing objective as made plain by the Government during the Report Stage of the Licensing Bill in the House of Lords:

Judgment of the merits of an application against the licensing objectives should be left to the experts. The experts on crime and disorder ... are the police ... The experts on public nuisance are the local environmental health authority.¹

11. Finally, the Committee will be familiar with the case of *Thwaites* and in particular para 63.²
12. The Committee is respectfully asked to grant the application as applied for.

Roy Light
St John's Chambers

8 June 2020

¹ HL Deb, vol.645, col.400, 27 February 2003.

² *Thwaites v Wirral Borough Magistrates' Court* [2008] EWHC 838 (Admin)