

CENTRAL BEDFORDSHIRE COUNCIL

Record of Licensing Sub Committee D hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 on Wednesday, 2 March 2011

Licensing Sub Committee Composition

Cllrs I Dalgarno (Chairman) T Green

Cllr M Gibson was unavoidably detained and the panel and the applicant agreed to proceed with a panel of two.

Members' Interests

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

Name of Applicant

Mr Duzgun Yilmaz
14A Woburn Street
Amphill
MK45 2HP

Name of Parties present (including the Applicant, Observers and Persons who have made relevant representations together with any person representing each Party)

Mr D Yilmaz	- Applicant
Mr D Tuitt	- Agent for the Applicant
Cllr I Dalgarno	- Central Bedfordshire Councillor
Cllr T Green	- Central Bedfordshire Councillor
Mr & Mrs Pelling	- Objectors
Mr Yates	- Objector
PC715 Christopher Carey – Licensing Officer	- Objector
Mr R and Mrs J Wood	- Objectors
Ms P Foster	- Observer
Mr Norman	- Observer
Mr M Woolsey	- Managing Solicitor
Mrs M Clampitt	- Committee Services Officer
Mrs J Hillier	- Licensing Admin & Enforcement Assistant
Mr D McBain	- Licensing & Enforcement Officer
Cllr P Duckett	- Amphill Town Councillor/ Central Bedfordshire Councillor

Names of Parties submitting representations and indications of their representations

There was a petition with 43 signatures which objected to the proposed kebab shop in Woburn Street, Ampthill.

Procedure for Hearings of Applications for Authorisations under the Licensing Act 2005 by the Licensing Sub-Committee

Noted the procedures for hearing the applications for Authorisations under the Licensing Act 2005 by the Licensing Sub-Committee.

Amendment of Application (if any) requested by the Applicant

The Applicant had proposed a reduction in the hours of operation to the following:-

Late night refreshment:- Sun – Thurs 23.00; Fri – Sat 23.00 – 00.00
Non standard timings – 23.00 to 00.00 on Christmas Eve and New Years Eve.

Hours of Opening:- Sunday – Thurs 14.00 – 23.00
Fri – Sat 14.00 – 00.00
Non standard timings – 14.00 – 00.00 on Christmas Eve and New Years Eve

No work on Sundays preceding a UK Bank Holiday Monday

The Application

The application was for a new premise licence at Speedy Pepper, 14a Woburn Street, Ampthill, Beds MK45 2HP. The premise was to be a kebab shop with deliveries also.

A copy of the application form was attached to the report at Appendix A.

The 4 Licensing Objectives

The Chairman drew attention to the four licensing objectives which were set out in the report circulated with the Agenda.

LICENSING ACT 2003 - A hearing called to determine an application for a premises licence for Speedy Pepper, 14a Woburn Street, Ampthill, Beds MK45 2HP

The Sub-Committee received and considered a report of the Head of Service Public Protection which explained that an application had been submitted by the Applicant, Mr Yilmaz for the granting of a new premises licence. The Applicant, his agent and witnesses attended the meeting and made representations.

The Chairman outlined the procedure to be followed.

The Chairman invited the Licensing & Enforcement Officer to present the report to the Sub-Committee. The Sub-Committee were advised that the applicant had submitted an application for the granting of a new premises licence under the Licensing Act 2003. The application sought to the hours as follows:-

Activity	Current Provision	The Application
Regulated Entertainment	No Provision	None applied for
Late Night Refreshment	No Provision	Sun – Thurs 23.00 Fri – Sat 23.00 to midnight Non standard timings – 23.00 to midnight on Christmas Eve and New Years Eve.
Supply of Alcohol	No Provision	None applied for
Hours of Opening	No Provision	Sun – Thurs 14.00 to 23.00 Fri – Sat 14.00 to midnight Non standard timings – 14.00 to midnight on Christmas Eve and New Years Eve

It was noted that the applicant had amended the application to remove being open on a Sunday immediately prior to a Bank Holiday.

The Chairman invited the Applicant and his Agent to present their case to the Sub-Committee. The application was set out as detailed in the table above.

The Sub-Committee noted that there had been complaints in relation to previous businesses which had provided a similar service in the area and also the level of crime and disorder associated with the area where the licence would be given.

The Chairman invited the rest of the Sub-Committee to question the Applicant.

The Objectors were invited to make their statements and ask any questions of the Applicant.

The Chairman invited the Applicant and the Objector to sum up their cases.

The Sub-Committee adjourned to deliberate upon the application.

DECISION

That having taken into account the Licensing Act 2003 Guidance issued under Section 182 of the Act and representations from the Applicant, Solicitor and parties, the application to grant a new premises licence at Speedy Pepper, be refused under the Prevention of Crime and Disorder and Prevention of Public Nuisance. The reasons for the decision included:-

- The Police strongly object on grounds of Public disorder irrespective of time. Police are not minded to change their view even though the applicant has reduced hours and given notice to Police that they intended to do so. The amended conditions to reduce the hours to allay residents concerns and to increase CCTV monitoring to reduce the risk of antisocial behaviour, public nuisance and disorder, is not believed to be enough.
- Police contend that the dispersal of the general area will be affected. This will create a general public nuisance.
- Discounting the petition there is still a very high level of public concern over public nuisance and disorder and this is supported by police evidence in their report on the number of incidents in the area of 2010. The majority of these incidents took place during licensable hours and we believe this application may add to these.
- Concerns regarding the applicant's proposal to site trade waste on the pavement and the nuisance effect this would have upon local residents. Applicant proposes to run a delivery service which we assume would be throughout his opening hours. There is concern regarding the nuisance effect of this activity with cars etc and no plan in place to mitigate the effect on neighbours.
- The offer by the Applicant to take a Short Term Premises Licence was not viable even with conditions attached. The Sub-Committee suggested that should the Applicant succeed in his business in this location that he re-applies once he has established a working relationship with the community.

The Applicant or any person who has made a relevant representation who is dissatisfied with this decision or the imposition of any condition or restriction has the right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

(Note: The meeting commenced at 1.00 p.m. and concluded at 3.00 p.m.)