

Licensing Sub-Committee

Friday, 16th November, 2012
10.00 - 10.25 am

Attendees	
Councillors:	Garth Barnes, Diggory Seacome and Jon Walklett
Officers:	Phil Cooper, Licensing Officer, Sarah Farooqi, Regulatory solicitor Manager and Rachael Sanderson, Democracy Assistant

Minutes

1. ELECTION OF CHAIRMAN

Councillor Barnes was duly elected as chairman.

2. APOLOGIES

None

3. DECLARATIONS OF INTEREST

None

4. DETERMINATION OF APPLICATION FOR A PREMISES LICENCE

Phil Cooper, Licensing Officer introduced the report as circulated with the agenda.

An application had been received from Mr Hamit Yilmaz in respect of Express Kebab, 210 Hewlett Road, Cheltenham. The applicant has applied for a premises licence for the provision of late night refreshment every day from 23:00 – 00:00 hours.

Appendix A of the report provided a copy of the application form and internal plan of the premises.

Point 2.4 of the report detailed the applicant's steps to promote the four licensing objectives.

Point 3.4 of the report detailed additional measures concerning CCTV as requested by Gloucestershire Constabulary.

Representations had not been received from responsible authorities but three residents had submitted representations as 4.1 of the report detailed.

Phil Cooper confirmed the representations had been written to and invited to the sub committee but were not able to attend.

Phil Cooper stated that an email had been received from Suzanne Gardiner yesterday following up from her representation. The email detailed an incident of a member of the public urinating by Ms Gardiner's front door at 8.30pm on

the 20th October 2012. As a result of this Ms Gardiner contacted the Environmental Health department.

Phil Cooper confirmed that an Environmental Health Officer had visited the premises and found no issues of concern regarding public health. The Environmental Health Officer stated that takeaway establishments are not obliged by law to provide lavatory facilities, unlike a café or a restaurant.

Appendix B of the report provided copies of the representations and Appendix C of the report showed the locations of the residents' premises in relation to Express Kebab.

Mr Mike Smith and Mr Barry Payne, agents for the applicant, attended the meeting and spoke in support of the application.

Mr Smith stated that this was one of the simplest applications he had ever made. The premises currently trades as a hot food takeaway and would continue to do so even if the application was not granted. The applicant requires an extra hour to trade to increase value to his customers.

Mr Smith confirmed that the applicant is happy to adhere to the additional CCTV specifications requested by Gloucestershire Police as 3.1 of the report details.

Mr Smith referred to the three representations that raised concern with noise, the perception of public disorder and litter. Mr Smith felt that these representations were of a general nature and did not necessarily follow course that an extra hour would result in any crime and disorder or nuisance. These areas of concern could not be laid solely to the applicant's premises.

Mr Smith referred to the incident of a member of public urinating by Ms Gardiner's doorway. Mr Smith said this was a one off isolated incident that occurred a month ago. He was surprised that Ms Gardiner had not included this incident in the representation submitted a few days later or that Ms Gardiner was not here today.

Mr Smith detailed other premises in close proximity to Express Kebab, 210 Hewlett Road. The Indian takeaway at 212 Hewlett Road, the Chinese takeaway at 208 Hewlett Road, Bargain Booze at 216-218 Hewlett Road and the Tesco Express at 214 Hewlett Road. All of these premises could cause noise concerns but the representations made could not state that the noise was specifically caused from the applicant's premises.

Mr Smith said if the application was granted a stricter regime of enforcement would be in place than there was at present due to the comments from Gloucestershire Constabulary. If once granted complaints were made this could lead to a review of the licence.

Mr Smith confirmed that signage would be displayed in the premises asking customers to be peaceful when leaving.

Mr Smith said that the applicant was unaware of noise issues when opening and closing the steel gate of the premises. The applicant would look at the acoustics of this and use some polypropylene or rubber to reduce the noise

when the gate was opened and closed. If this was not successful other options could be looked into. The applicant has other successful businesses and wants to run this successfully and in harmony with his neighbours. Mr Smith said the applicant was prepared to go the extra mile.

Members asked the following questions;

- When asked, Mr Smith confirmed he was unsure what time the Tesco Express opened until so was unable to answer a question in relation to parking spaces in that area.
- A Member stated that suggestions had been made about the extra hour only being applied to part of the week.
- Mr Smith confirmed that the applicant had initially wanted to open until 1.00am but had decided to apply until midnight and see how that went.
- When asked Mr Smith said that changing the hours now did not form part of the initial application and would not be happy to reduce the hours without speaking to the applicant.
- When asked, Mr Smith confirmed that a litter bin would be sited outside the premises if one was not in place already as this formed part of the application.

In summing up, Mr Smith told Members that only three representations had been made and there was not enough evidence to curtail what had been applied for.

Members retired from the Montpellier Room at 10.20 to make their decision.

Members returned to the Montpellier Room at 10.24 with their decision.

The Chairman said the Committee had looked at all of the evidence that had been presented to them and considered the weight they should attach to the representations. Members felt that these did not mitigate the application and that the licensing objectives were met;

RESOLVED that the application is granted as requested.

Chairman