



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Sub-Committee

Friday, 16 November 2012
10.00 am

Montpellier Room - Municipal Offices

MEMBERS ATTENDING	OFFICERS ATTENDING
Councillor Garth Barnes Councillor Diggory Seacome Councillor Jon Walklett	Phil Cooper, Licensing Officer Sarah Farooqi, Regulatory Solicitor Manager

Agenda

1. ELECTION OF CHAIRMAN
2. APOLOGIES
3. DECLARATIONS OF INTEREST
4. DETERMINATION OF APPLICATION FOR A PREMISES LICENCE (Pages 1 - 32)
Express Kebab, 210 Hewlett Road, Cheltenham,
Gloucestershire, GL52 6UQ

Contact Officer: Rachael Sanderson, Democracy Assistant, 01242 264130
Email: democratic.services@cheltenham.gov.uk

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Cheltenham Borough Council

Licensing Sub Committee – 16 November 2012

Licensing Act 2003: Determination of Application for a Premises Licence

Express Kebab 210 Hewlett Road, Cheltenham, Gloucestershire, GL52 6UQ

Report of the Licensing Officer

1. Introduction

1.1 The Licensing Act 2003 (the Act) allows applicants to apply for a premises licence or a variation of an existing premises licence at any time. In this case, an application was received on 01 October 2012 from Mr Hamit Yilmaz in respect of Express Kebab, 210 Hewlett Road, Cheltenham, Gloucestershire, GL52 6UQ. Copies of the application form and the internal plan of the premises are included at **Appendix A**.

1.2 The applicant has applied for a premises licence for the following licensable activities at the dates and times shown:

Provision of late night refreshment	Every Day	23:00 – 00:00
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1.3 If this application is approved a premises licence will be issued.

1.4 Implications

1.4.1 Financial **Contact officer: Sarah Didcote**
E-mail: sarah.dicote@cheltenham.gov.uk
Tel no: 01242 26 4125

1.4.2 Legal A sub committee is required to discharge its duty and determine an application with a view to promoting the licensing objectives. These objectives, which are set out in section 4(2) of the Licensing Act 2003, are: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

Sarah Farooqi
E-mail: Sarah.Farooqi@teWKesbury.gov.uk
Tel no: 01684 272693

2. Application (Ref. 12/01623/PRMA)

2.1 Applicant: Mr Hamit Yilmaz

2.2 Agent: Mike Smith & Co

2.3 Premises: Express Kebab, 210 Hewlett Road, Cheltenham, Gloucestershire, GL52 6UQ

2.4 Steps to promote the four licensing objectives that are identified in this application:

The applicant has stated that he intends to take the following steps:

- All staff will be trained as required to ensure the premises are operated safely and in accordance with relevant legislation

- Installation and maintenance of a CCTV system including retention of recorded images for 31 days and making images available to the relevant statutory authorities on reasonable request being made.
- When the premises are open for business, staff will regularly check the immediate exterior of the premises and clear any litter emanating therefrom. Litter bins will be provided for the use of patrons.
- Signs will be displayed at the entrance / exit of the premises requesting patrons to respect the rights of local individuals.

3. Responsible Authorities

3.1 **Gloucestershire Constabulary** have not objected to the application, but they have asked for additional CCTV specifications, which the applicant has agreed and which will be specified as a condition on the licence if it is granted. The additional measures are as follows:

Within three months of the determination of the Premises Licence the licence holder must install a CCTV system to the following specification:

- System: HD SDi system incorporating 4 x 2.1 megapixel colour cameras, each with 12 - 25 frames-per-second (real time equivalent) recording. System to incorporate movement-detection so that cameras go into standby when no movement is detected.
- Camera layout: 2 cameras overlooking the external approaches to capture anyone hanging around outside, damaging the shop windows etc.; An Identification Standard camera installed at the main entrance to provide a 'head & shoulders' shot of all customers; A camera overseeing the serving counter to record customers being served. Installation of a microphone on this camera should also be considered, as this would record threats, racial abuse etc.
- Storage capacity: Sufficient to store images for a minimum 14 days (approx 4 Terabytes). (Not the 31 days offered in the schedule)
- Download facility: Ability to export recorded images onto removable DVD/CD/Memory Stick with its own software to enable playback.
- Requirement to produce: Production of footage to Police, Trading Standards or Council within 3 days of request.

3.2 **Responsible Authorities** - No representations have been received from responsible authorities

4. Other people

4.1 Representations have been received from 3 residents.

- Suzanne Gardiner has stated that she is already woken by the noise of staff leaving and closing the premises and has expressed concerns that the disturbance will continue for an extra hour if the licence is granted. She has also expressed concerns that granting the application will set a precedent for other premises seeking the same thing which will cause further disturbance.
- Rachel Skal has said that she is worried that the licence, if granted, could result in an increase in disorder, noise, disturbance and crime. She has stated that she has already noticed such problems since the premises opened and is concerned that the licence for late night refreshment could encourage people to congregate outside her property late in the evening after drinking.
- Vivian Bracey has said he/she hears noisy customers "hanging around" at the premises and has expressed concerns about encouraging this to go on later if the licence is granted.

4.2 Copies of all 3 representations are attached at **Appendix B**. The locations of the residents' properties, and that of the premises, are shown on the location plan at **Appendix C**.

5. Local Policy Considerations

5.1 The 2003 Act introduces a unified system of regulation through two new types of licences: the premises licence and the personal licence (club premises certificates for qualifying clubs). The Borough Council, as the licensing authority, is responsible for licensing all outlets in the borough that sell or supply alcohol or carry out any other 'licensable activities': public entertainment, theatre, cinema, or late night refreshment.

5.2 The new system is underpinned by four objectives: i) the prevention of crime and disorder; ii) public safety; iii) the prevention of public nuisance; and, iv) the protection of children from harm. The licensing authority must promote these objectives in carrying out its functions.

5.3 The Council's adopted licensing policy statement (Council 10th Feb 2012) includes the following:

5.4 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:-

(a) The prevention of crime and disorder;

(b) Public safety;

(c) The prevention of public nuisance; and

(d) The protection of children from harm. (Paragraph 4.1)

5.5 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. (Paragraph 4.2)

5.6 In determining a licensing application, the overriding principle adopted by the Council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those appropriate to promote the licensing objectives will be imposed. (Paragraph 4.3)

5.7 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. (Paragraph 4.5)

5.8 Through their operating schedule, applicants will be expected, where necessary, to demonstrate the positive steps taken to promote the licensing objectives. (Paragraph 5.3)

5.9 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The Council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. (Paragraph 5.4)

5.10 Applicants will be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises.

5.11 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided, only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail. (Paragraph 5.7)

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- 5.12 The Council has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only when relevant representations are made by “interested parties” or by “responsible authorities“(Paragraph 6.1)
- 5.13 The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the Council will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the Council over the next three years. It will also inform elected Members of the parameters within which licensing decisions can be made. (Paragraph1.3)
- 5.14 Through this policy the Council hopes that residents of and visitors to Cheltenham will be able to enjoy their leisure time safely and without fear of violence, intimidation or disorder while at licensed premises. (Paragraph1.4)
- 5.15 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting tourism, increasing leisure provision and encouraging the regeneration of the town centre as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder. (Paragraph1.5)
- 5.16 It should be understood that this policy and the section 182 Guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or guidance may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Council will give full reasons for departing from this policy. (Paragraph1.6)
- 5.17 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective. (Paragraph 5.11)
- 5.18 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events. (Paragraph 5.12)
- 5.19 Capacity limits are commonly made a condition of a licence on public safety grounds but should also be considered for licensed pubs and clubs where overcrowding may lead to disorder and violence. If such a condition is appropriate, door supervisors may be needed to ensure the numbers are appropriately controlled. (Paragraph 5.17)
- 5.20 Where relevant representations are received, the Council may attach appropriate conditions to licences, appropriate to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after midnight the licence holder, will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The Council also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. (Paragraph 5.26)
- 5.21 Where the Council receives relevant representations, or where a responsible authority or an interested party seeks a review, the Council may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective. (Paragraph 5.30)
- 5.22 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies; provision of signs, publicity and dispersal policies. (Paragraph 5.31)

6 National Guidance

6.1 Guidance has been issued under Section 182 of the Licensing Act 2003.

6.2 Para 2.18 of the Guidance states: “**Public nuisance.** The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.”

6.3 Para 2.19 of the Guidance states: “Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.”

6.4 Para 2.20 of the Guidance states: “Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.”

6.5 Para 2.21 of the Guidance states: “As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.”

6.6 Para 2.22 of the Guidance states: “Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.”

- 6.7 Para 2.24 of the Guidance states: “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.”
- 6.8 Para 10.10 of the Guidance states: “The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.”
- 6.9 Para 10.12 of the Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.”

7. Licensing Comments

- 7.1 Members are to note that on 25 April 2012, the following amendments to the Licensing Act 2003 came into force:
- 7.2 The Licensing Authority became a Responsible Authority for premises and club premises applications and will have the power to refuse, remove or review a licence without representation from the Police or other Responsible Authority.
- 7.3 Primary Care Trusts and Local Health Boards also joined the list of Responsible Authorities and are able to make representations regarding licensing applications and apply for reviews, even though the licensing objectives have not been revised to include health.
- 7.4 The term 'interested parties' has been replaced by 'any other person' meaning that anyone can voice objections regardless of geographic vicinity, however any such objection must relate to one or more of the licensing objectives.
- 7.5 The Secretary of State has been required to make changes to the Licensing Act Regulations 2005 requiring the Licensing Authority to advertise applications 'in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it'.
- 7.6 The Committee must have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives which can include:
- Granting the application as requested;
 - Modifying the conditions attached to the licence; or
 - Rejecting all or part of the application.
- 7.7 In determining this application, Members must have regard to the guidance issued by the Secretary of State and the Council's adopted policy statement.
- 7.8 The Council has a statutory duty to promote the licensing objectives and therefore Members can only give consideration to representations that relate to the likely effect the grant of this licence will have on the promotion of those objectives, these being:

- a. the prevention of crime and disorder;
- b. public safety;
- c. the prevention of public nuisance; and
- d. the protection of children from harm.

7.9 The application must be determined on its individual merits and consideration must only be given to this application and the specific premises to which it relates. For this reason, Members are to disregard comments which relate to this application setting a precedent for future applications from other premises. Any such applications in the future would need to be considered on their own merits and residents would have the opportunity to object to those applications at the appropriate time if they had a valid reason for doing so.

7.10 Members can only take into account those representations which relate to one or more of the licensing objectives and must therefore disregard comments relating to parking irregularities.

7.11 Members should consider what if any weight they should attach the incident referred to by Ms. Skal as the incident was reported to Ms. Skal by a neighbour and is not something that Ms. Skal has reported seeing herself.

Background Papers

Service Records

Report Author

Contact officer: Mr Phil Cooper
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200

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**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Hamit Yilmaz

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description EXPRESS KEBAB 210 Hewlett Road			
Post town	Cheltenham	Post code	GL52 6UQ

Telephone number at premises (if any)	01452 253080
Non-domestic rateable value of premises	£4850

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

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- | | | |
|---|--------------------------|-----------------------------|
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Yilmaz			First names Hamit		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		As Premises			
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day			Month			Year		
	1	1	0	2	0	1	2	

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day			Month			Year		

Please give a general description of the premises (please read guidance note1)
 Lock-up hot food takeaway

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

BOXES A-K OMITTED

**HOT FOOD APPLICATION
ONLY**

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	2300	2400	<u>Please give further details here</u> (please read guidance note 3)		
Tue	2300	2400			
Wed	2300	2400	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	2300	2400			
Fri	2300	2400	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	2300	2400			
Sun	2300	2400			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Tue				
Wed			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

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

Name
Address

Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1200	2400	
Tue	1200	2400	
Wed	1200	2400	
Thur	1200	2400	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Fri	1200	2400	
Sat	1200	2400	
Sun	1200	2400	

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

All staff will be trained as required to ensure the Premise is operated safely and in accordance with relative legislation

b) The prevention of crime and disorder

Installation and maintenance of a CCTV system, including retention of recorded images for 31 days and making images available to the relevant statutory authorities on reasonable request being made.

c) Public safety

Nothing identified by Risk Assessment

d) The prevention of public nuisance

When the premise is open for business, staff will regularly check the immediate exterior of the premises and clear any litter emanating therefrom. Litter bins will be provided for the use of Patrons

Signs will be displayed at the entrance/exit of the Premise requesting Patrons to respect the rights of local residents

e) The protection of children from harm


Nothing Identified by risk assessment

- Please tick yes**
- I have made or enclosed payment of the fee
 - I have enclosed the plan of the premises
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
 - I understand that I must now advertise my application
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	07.09.12
Capacity	Applicant

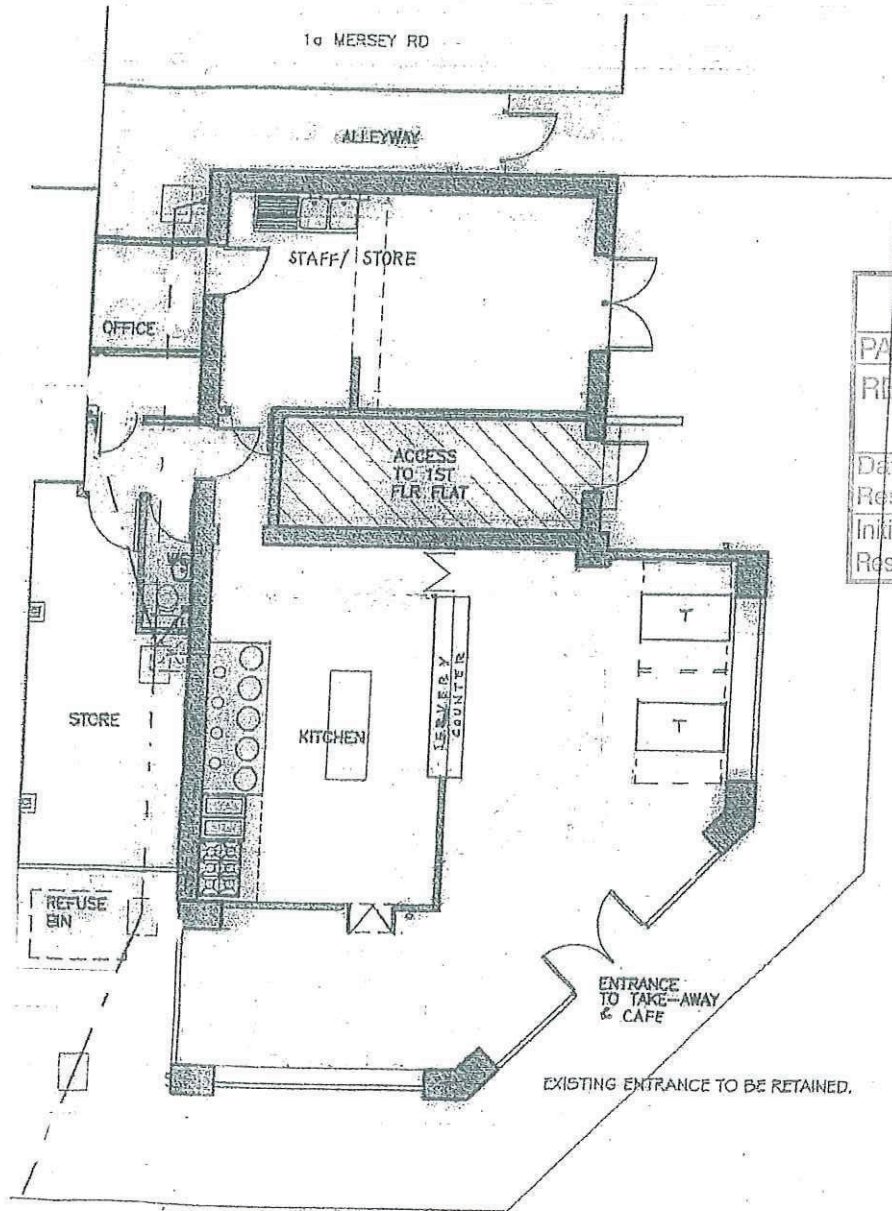
For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Mike Smith&Co 247 Stroud Road			
Post town	Gloucester	Post code	GL1 5JZ
Telephone number (if any)	07768752220		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) mike@thelicensingexperts.co.uk			

Notes for Guidance

1. Describe the premises. 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Cheltenham Borough Council Public Protection			
PASSED TO			
REC'D	10 SEP 2012		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

GROUND FLOOR PLANS SCALE 1:100
 'EXPRESS KEBAB'
 210 HEWLETT ROAD
 CHELTENHAM
 GL52 6UQ



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL60 1PP.
o mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

Contact details (of person completing form)

Name:	RACHEL SKAL
Name of the organisation/body/person you represent. (if appropriate)	N/A.
Your full Postal Address or that of the organisation or body you represent	
Post Code	
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	N/A.
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	Express kebab 12/0/623/PRMA
Name of Applicant for Licence (if known)	
Postal Address:	210 Hewlett Rd. CHELTENHAM GLOS
Post Code:	

What are you making a representation about?

<p>Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)</p> <p>I am making a complaint about the late licence application. I am worried about the increase in disorder, noise, disturbance & crime if this licence is agreed.</p>

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder	✓	Public safety	✓
The prevention of Public nuisance	✓	The protection of children from harm	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	10 METRES
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

I live very close to Express kebab. I have already noticed the increase in disturbance, litter, road traffic since the place opened.
I am concerned that the late licence would encourage people to congregate outside my property, when visiting the kebab place after drinking late in the evening. I do not want crime, disruption & disturbance in a quiet area.
Also my neighbour said so a customer from Express kebab was urinating outside her house late one evening. This is unacceptable behaviour.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

Signature:

Capacity:

Date: 23rd Oct 2012



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP. e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Contact details (of person completing form)

Name:	SUZANNE CARDINER
Name of the organisation/body/person you represent. (if appropriate)	/
Your full Postal Address or that of the organisation or body you represent	()
Post Code	
Daytime contact telephone number	
Email address - If you (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	/
Full Postal Address of the person/organisation or body making representation	/
Post Code	/
Daytime contact telephone number	/
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	EXPRESS KEBAB 12/OL623/PRMIA
Name of Applicant for Licence (if known)	
Postal Address:	210 HEWLETT ROAD CHELTENHAM
Post Code:	GL52 6UQ

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
CRIME, DISORDER, NOISE AND DISTURBANCE

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder	✓	Public safety	
The prevention of Public nuisance	✓	The protection of children from harm	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	2 METRES
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

MY PRIMARY CONCERN IS THE NOISE THAT WILL CONTINUE FOR A FURTHER HOUR SHOULD THIS APPLICATION BE PERMITTED. I AM ALREADY WOKEN BY STAFF LEAVING AND CLOSING UP.
I REFER TO THE PREVIOUS PLANNING APPLICATION AND COMMENTS SUBMITTED BY "ENVIRONMENTAL HEALTH" OPERATING TIMES SHOULD BE NOT LONGER THAN OR LATER IN THE EVENING THAN THOSE OF THE NEIGHBOURING ESTABLISHMENT AT 212 MENLETT ROAD IN ORDER TO PROTECT THE AMENITY OF NEARBY NOISE SENSITIVE PREMISES." - 30 MAR 2009
(IF THIS APPLICATION IS GRANTED IT SETS A PRECEDENT FOR TESCO'S AND ALFA (Z12) TO APPLY FOR THE SAME - CAUSING FURTHER DISTURBANCE TO NEIGHBOURS.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

NONE

Signature:

Capacity: RESIDENT

Date: 22/10/2012

RE INCREASING
BUSINESS HOURS
OF PIZZERIA

24/10/12.

DEAR SIR OR MADAM,

I HEARD ON THE
'GRAPEVINE' THAT THE TAKE-AWAY
PIZZERIA IN MERSEY ROAD HAS
APPLIED TO EXTEND ITS OPENING
HOURS UP TO MIDNIGHT. (I'M SURPRISED
WE HADN'T RECEIVED AN OFFICIAL
LETTER FROM YOU SO YOU COULD GET
ANY OBJECTIONS FROM RESIDENTS)

I LIVE NEARBY OPPOSITE THIS
END OF MERSEY ROAD & HAVE
HEARD THE NOISY CUSTOMERS
HANGING AROUND THE SHOP - WE
ARE ALLOWED TO SLEEP HERE'S WE?
TO ENCOURAGE IT TO GO ON LATER
IS NOT FAIR.

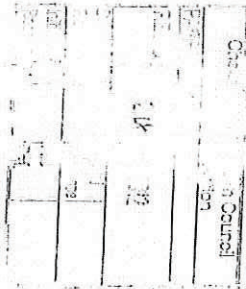
PLEASE I GATHER THAT CARS
THAT CAN'T FIND A LEGITIMATE
SPACE (BEARING IN MIND) THAT

RESIDENTS NEED KERB OR FORECOURT
ALL NIGHT PARKING (MOST LOCALS
WILL BE AT HOME LATE EVENING)
ARE ENCROACHING ONTO PRIVATE
PROPERTY IN FRONT OF THE HOMES
ON THE SOUTH SIDE OF MERSEY ROAD

I CAN UNDERSTAND THAT THE
SHOP OWNERS WOULD LIKE MORE
HOURS TO EARN MORE BUT WHAT
ABOUT A COMPROMISE? USE THEIR
OWN FORECOURTS FOR PARKING &
ALLOW LONGER HOURS ONLY ON
CERTAIN DAYS.

YOURS FAITHFULLY

VIVIAN BRACEY



Express Kebab

210 Hewlett Road, Cheltenham, Gloucestershire, GL52 6UQ



Legend

- Premises address Express Kebab
- Residents' home addresses

Organisation	Cheltenham Borough Council
Department	Public Protection
Comments	Licensing Sub-Committee
Date	16 th November 2012
SLA Number	LAI00024384 2011

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