

**SUPPLEMENT TO THE AGENDA FOR**

# **Regulatory Sub Committee**

**Thursday 25 April 2013**

**2.00 pm**

**The Council Chamber, Brockington, 35 Hafod Road, Hereford**

	<b>Pages</b>
<b>7. APPLICATION FOR A NEW PREMISES LICENCE 'MARMARIS KEBAB HOUSE, 21 UNION STREET, HEREFORD, HR1 2BT'</b>	<b>3 - 14</b>





**Territorial Policing Unit – Herefordshire  
Southern Hub  
Hereford Police Licensing Department  
Hereford Police Station  
Bath Street  
HEREFORD  
HR1 2HT**

0300 333 3000 ext 4702  
e-mail. herefordandworcesterlicensing@westmercia.pnn.police.uk

Direct Dial 01432 347102

30 April 2012

Dear Sir

**Flames (Marmaris), 21 Union Street, Hereford.**

I refer to the above premises which are a licensed late night refreshment establishment. The licensed operating hours for the premises end at either 0100hrs or 0130hrs depending on the day of the week.

Your premises were visited by police officers at 0154hrs on Saturday 28 April 2012 and again at 0204hrs on Sunday 29 April 2012. On both these visits the premises were open and were serving hot food to customers.

This is a clear breach of your premises licence. This information has been shared with Herefordshire Council Licensing Authority and if required West Mercia Police will provide the necessary evidence for them to undertake a criminal prosecution.

Further checks will be made at the premises to ensure that you comply with the conditions of the premises licence. In the event of further breaches action appropriate at the time will be taken by the police.

**From a policing prospective, please take this letter as a formal warning to you as the named holder of the premises licence for this location.**

J. MOONEY  
Police Licensing Officer

Cc Herefordshire Licensing Authority – by e-mail



**People's Services Directorate**

Director: Jo Davidson

The Proprietor  
Marmaris (formerly Flames)  
21a Union Street  
Hereford  
HR1 2BT

Your Ref:

Our Ref: PREM/PR00472

Please ask for: Licensing Assistant

Direct Line / Extension: 01432 260105

Fax: 01432 383142

E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

3<sup>rd</sup> May 2012

Dear Sir/Madam

**LICENSING ACT 2003  
OPERATING OUTSIDE PREMISES LICENCE AUTHORISED HOURS  
FLAMES – NOW KNOWN AS MARMARIS KEBAB**

Information has been received from West Mercia Police that late night refreshment is being provided beyond the hours authorised on the premises licence.

Licensable activities authorised by the licence (All indoors unless otherwise stated)

**1. Provision of late night refreshment**

The times the licence authorises the carrying out of licensable activities

**Monday-Tuesday: 23:00 - 00:00**

**Wednesday-Thursday, Sunday: 23:00 - 01:00**

**Friday-Saturday: 23:00 - 01:30**

**None Standards Hours:**

**Bank Holidays - 23:00 - 01:30 hours**

**Seasonal variations: None**

It is an offence to carry on a licensable activity other than in accordance with a temporary event notice or a premise licence. This offence carries a maximum penalty on summary conviction of £20,000 and or 6 months imprisonment.

**If you wish to extend these hours you must submit an application for variation of the premises licence.**

The current licence holder is shown as  
Erkan VARLI  
21-21A  
UNION STREET  
HEREFORD  
HR1 2BT

If this is no longer the case then an application to transfer the licence must be made.

Working in partnership for the people of Herefordshire

PO Box 233, Hereford, HR1 2ZF

Herefordshire Council

Main Switchboard (01432) 260000, [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

NHS Herefordshire

Main Switchboard (01432) 344344, [www.herefordshire.nhs.uk](http://www.herefordshire.nhs.uk)

Please find enclosed an application pack for the TRANSFER of a Premises Licence. Please read the application form carefully before completing and make reference to the guidance notes provided.

Once you have completed the application form and obtained consent to the transfer from the existing licence holder, you should make ONE copy of each. The copy of the application form and consent should be sent to the Chief Officer of West Mercia Constabulary

When sending your completed application form to the licensing section please ensure you enclose all the required documentation which includes:

1. the fee £23,
2. the existing licence – if unable to submit the licence an additional fee of £11 is required for a copy.
3. consent to transfer or if, you are unable to obtain consent to transfer from the existing licence holder, an explanation in writing of all the steps you have taken to obtain that consent.

You should note that incomplete applications will not be accepted.

Once your application is made to the licensing section an acknowledgement letter will be sent to you. If your application is complete, it will be accepted and a consultation period of 14 days shall commence. Once the consultation period has expired, you will be notified in writing by the licensing section of whether any relevant representations have been received, together with details of those representations and a Hearing Date. The letter will explain the options available to you, which include possible negotiations between all parties. Should your application give rise to no relevant representations then your licence shall be granted.

I look forward to receiving your application but should you have any questions regarding the application procedure please contact me on the telephone number at the head of this letter.

Yours sincerely

**ADRIENNE POOLE  
LICENSING ASSISTANT  
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

**People's Services Directorate**  
Director: Jo Davidson

The Proprietor  
Marmaris (formerly Flames)  
21a Union Street  
Hereford  
HR1 2BT

Your Ref:  
Our Ref: PREM/PR00472  
Please ask for: Licensing Officer  
Direct Line / 01432 260 105  
Extension: 01432 383412  
Fax: licensing@herefordshire.gov.u  
E-mail: k

22<sup>nd</sup> October 2012

Dear Sirs,

### **LICENSING ACT 2003 – BREACH OF LICENCE CONDITIONS**

#### **MARMARIS, 21A UNION STREET, HEREFORD, HR1 2BT**

On Sunday 21<sup>st</sup> October, Fred Spriggs (Licensing Officer) visited your premises at 01:46 hours after you were seen to provide hot food.

Your licence only authorises you to provide hot food or drink until 01:30 hours. You are also required to have your premises closed and empty of the public by this time.

Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of up to £20,000, or to both.

In line with this Authority's Policy, I must advise you that should you choose to operate again without a premise licence or a temporary event notice we will take enforcement action against you.

The current licence holder is shown as  
Erkan VARLI  
21-21A  
UNION STREET  
HEREFORD  
HR1 2BT

If this is no longer the case then an application to transfer the licence must be made. Please find enclosed an application pack for the TRANSFER of a Premises Licence. Please read the application form carefully before completing and make reference to the guidance notes provided.

Once you have completed the application form and obtained consent to the transfer from the existing licence holder, you should make ONE copy of each. The copy of the application form and consent should be sent to the Chief Officer of West Mercia Constabulary

When sending your completed application form to the licensing section please ensure you enclose all the required documentation which includes:



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**Putting** People First **Providing** for our Communities **Preserving** our Heritage **Promoting** the County **Protecting** our Future  
County of Herefordshire District Council, County of Herefordshire District Council, Licensing Unit, 10 Blackfriars Street,  
Hereford. HR4 9HS

Main Switchboard (01432) 260000 - [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

1. the fee £23,
2. the existing licence – if unable to submit the licence an additional fee of £11 is required for a copy.
3. consent to transfer or if, you are unable to obtain consent to transfer from the existing licence holder, an explanation in writing of all the steps you have taken to obtain that consent.

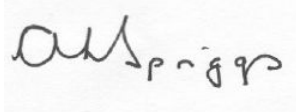
You should note that incomplete applications will not be accepted.

Once your application is made to the licensing section an acknowledgement letter will be sent to you. If your application is complete, it will be accepted and a consultation period of 14 days shall commence. Once the consultation period has expired, you will be notified in writing by the licensing section of whether any relevant representations have been received, together with details of those representations and a Hearing Date. The letter will explain the options available to you, which include possible negotiations between all parties. Should your application give rise to no relevant representations then your licence shall be granted.

I look forward to receiving your application but should you have any questions regarding the application procedure please contact me on the telephone number at the head of this letter.

Yours sincerely

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Fred Spriggs', is written over a light grey rectangular background.

**FRED SPRIGGS  
LICENSING OFFICER  
ENVIRONMENTAL HEALTH & TRADING STANDARDS  
HEREFORDSHIRE COUNCIL**



**People's Services Directorate**  
Director: Jo Davidson

The Proprietor  
Marmaris (Flames)  
21 Union Street  
Hereford  
HR1 2BT

Your Ref:  
Our Ref: PREM/PR00472  
Please ask for: Licensing Officer  
Direct Line / Extension: 01432 260105  
Fax: 01432 383412  
E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

27<sup>th</sup> December 2012

Dear Sirs,

**LICENSING ACT 2003 – LICENCE SURRENDERED**

**MARMARIS (aka flames), 21 UNION STREET, HEREFORD, HR1 2BT**

Please be advised that the Premises Licence for these premises was surrendered, by the premises Licence Holder, today.

The current licence holder was shown as  
Erkan VARLI  
21-21A  
UNION STREET  
HEREFORD  
HR1 2BT

Section 136 of the Licensing Act 2003 makes it an offence for premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of up to £20,000, or to both.

In line with this Authority's Policy, I must advise you that should you choose to operate without a premise licence or a temporary event notice we will take enforcement action against you.

Should you have any questions regarding the application procedure please contact me on the telephone number at the head of this letter.

Yours sincerely

**ADY POOLE**  
**LICENSING ASSISTANT**  
**ENVIRONMENTAL HEALTH & TRADING STANDARDS**  
**HEREFORDSHIRE COUNCIL**

Working in partnership for the people of Herefordshire

PO Box 233, Hereford, HR1 2ZF

Herefordshire Council      Main Switchboard (01432) 260000, [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)  
NHS Herefordshire        Main Switchboard (01432) 344344, [www.herefordshire.nhs.uk](http://www.herefordshire.nhs.uk)



**People's Services Directorate**  
Director: Jo Davidson

The Proprietor  
Marmaris  
21a Union Street  
Hereford  
HR1 2BT

Your Ref:  
Our Ref:  
Please ask for: Licensing Officer  
Telephone: 01432 260105  
Fax: 01432 383412  
E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

13<sup>th</sup> February 2013

Dear Sir,

**LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY**

**MARMARIS, 21A UNION STREET, HEREFORD, HR1 2BT**

On Saturday 9<sup>th</sup> February 2013, Fred Spriggs (Licensing Officer) visited your premises at 11.50 pm after you were seen to provide hot food to a member of the public.

The premises is not licensed and therefore no hot food or drink can be provided from the premises between the hours of 11 pm to 5 am on any day. You have the option to apply for a premises licence which if granted would allow you to operate after 11 pm.

To make the situation absolutely clear to you:

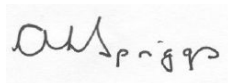
**You can not provide hot food or drink between 11 pm to 5 am without a licence.**

It is an offence under Section 136 of the Licensing Act 2003 for a premises to be used for any licensable activity without a licence. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of up to £20,000, or to both.

In line with this Authority's Policy, I must advise you that should you choose to operate again without a premises licence we will take enforcement action against you. Furthermore, the Licensing Authority would be obligated to object to your licence application on the grounds of the prevention of crime.

Should you require further advice please contact the Licensing Section on the above number.

Yours sincerely,



**FRED SPRIGGS**  
**LICENSING OFFICER**  
**ENVIRONMENTAL HEALTH & TRADING STANDARDS**  
**HEREFORDSHIRE COUNCIL**

cc West Mercia Police

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**Putting** People First **Providing** for our Communities **Preserving** our Heritage **Promoting** the County **Protecting** our Future  
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Hereford. HR4 9HS

Main Switchboard (01432) 260000 - [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)



**Places and Communities Directorate**

Director: Geoff Hughes

Murat Polat  
Marmaris  
21a Union Street  
Hereford  
HR1 2BT

Your Ref:  
Our Ref: FS/Marmaris  
Please ask for: Fred Spriggs  
Direct Line / Extension: 01432 260105  
Fax:  
E-mail: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

22<sup>nd</sup> April, 2013

Dear Mr Polat,

**LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY**

**MARMARIS, 21A UNION STREET, HEREFORD, HR1 2BT**

On Saturday 20<sup>th</sup> April 2013, Fred Spriggs (Licensing Officer) visited your premises at 11.20 pm after you were seen to provide a portion of chips to 2 members of the public.

As you are aware the premises is not licensed and therefore no hot food or drink can be provided from the premises between the hours of 11 pm to 5 am on any day. Whilst you have applied for a licence you are aware are that no licence has been granted and that this matter is due to appear before the Licensing Committee on Thursday. Furthermore this is the fourth occasion that this authority has had to warn you in respect of breaches of the legislation. This supports the opinion of the authority that you are unlikely to promote the licensing objectives particularly that of preventing crime and disorder.

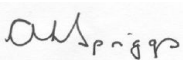
To make the situation absolutely clear to you:

**You can not provide hot food or drink between 11 pm to 5 am without a licence.**

It is an offence under Section 136 of the Licensing Act 2003 for a premises to be used for any licensable activity without a licence. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of up to £20,000, or to both.

In line with this Authority's Policy, I must advise you that should you choose to operate again without a premises licence we will take enforcement action against you. Furthermore, the Licensing Authority will bring this breach to the attention of the committee on Thursday.

Yours sincerely,



**FRED SPRIGGS  
LICENSING OFFICER  
ENVIRONMENTAL HEALTH & TRADING STANDARDS  
HEREFORDSHIRE COUNCIL**

cc West Mercia Police

