

AGENDA

Regulatory Sub Committee

Date: **Wednesday 24 July 2013**

Time: **2.00 pm**

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

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor JW Hope MBE

Councillor PJ McCaull

Councillor FM Norman

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	5 - 8
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
5. APPLICATION FOR A NEW PREMISES LICENCE 'MARMARIS KEBAB HOUSE, 21 UNION STREET, HEREFORD, HR1 2BT' To consider an application for a new Premises Licence in respect of 'Marmaris Kebab House, 21 Union Street, Hereford, HR1 2BT', previously adjourned from the meeting of 24 April 2013.	9 - 58
6. APPLICATION FOR A VARIATION OF THE PREMISES LICENCE 'BROMYARD KEBAB AND BURGER SHOP, 3 CRUXWELL STREET, BROMYARD, HR7 4EB.' To consider an application for the variation of a Premises Licence in respect of 'Bromyard Kebab and Burger Shop, 3 Cruxwell Street, Bromyard, HR7 4EB.	59 - 90

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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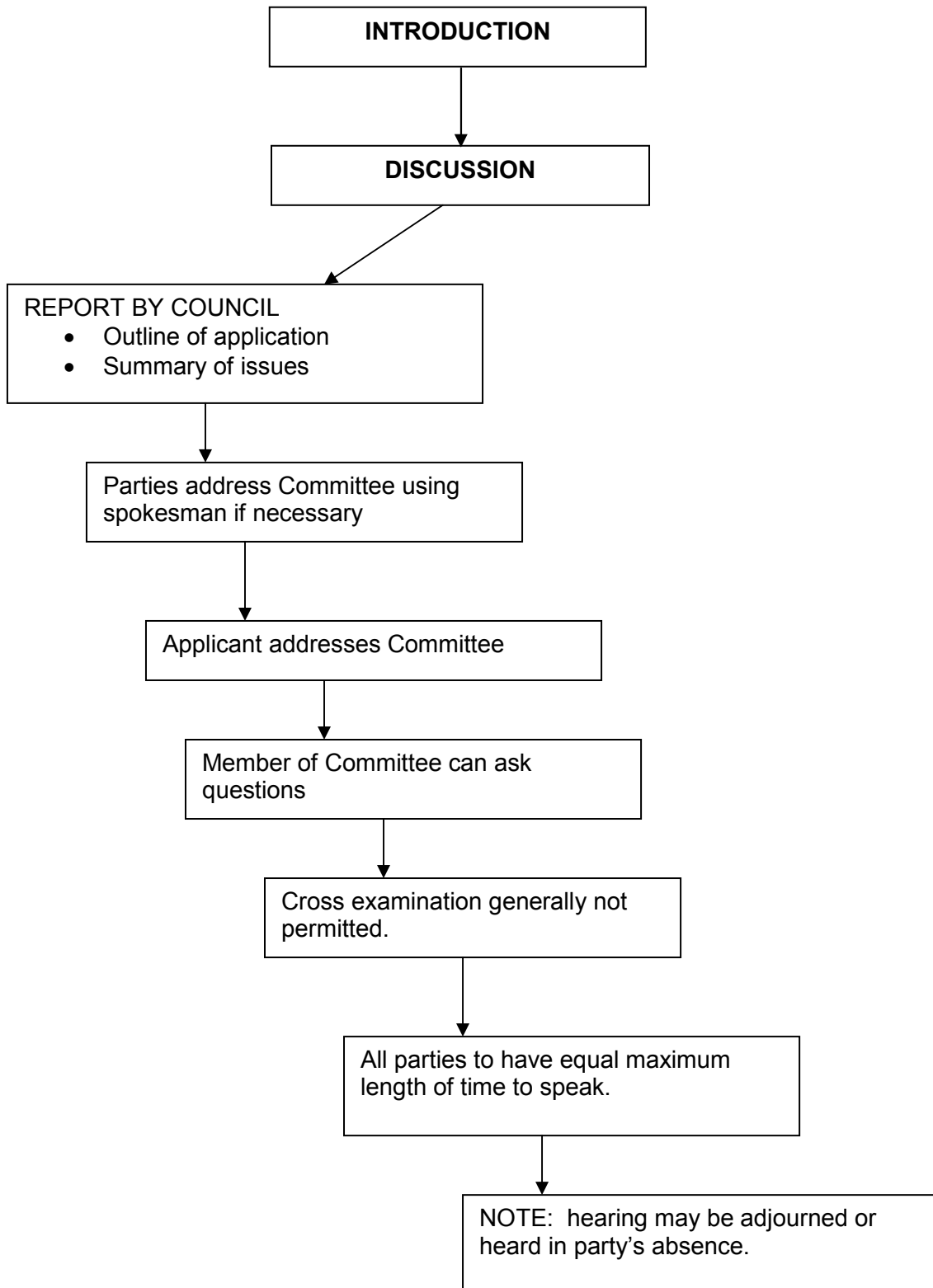
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	24 JULY 2013
TITLE OF REPORT:	APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'MARMARIS KEBAB HOUSE, 21 UNION SREET, HEREFORD, HR1 2BT' – LICENSING ACT 2003.
REPORT BY:	CLAIRE CORFIELD – LICENSING MANAGER

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

Central

4. Purpose

To consider an application for a new Premises Licence in respect of 'Marmaris Kebab House, 21 Union Street, Hereford, HR1 2BT'.

5. Recommendation(s)

THAT

The Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The police application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

6. Key Points Summary

- The application requests the provision of Late Nigh Refreshment until 0130 ours on all days of the week

Further information on the subject of this report is available from
Clare Corfield, Licensing Manager 01432 26012

- The premises is within the area covered by the Herefordshire Council Special Policy (Cumulative Impact Policy)
- Representations have been received from the Police and Licensing Authority both who object to the licence.
- The application was initially considered on 25 April 2013. It was deferred at that meeting to ensure that the applicant had ample time to translate all of the relevant documents.

7. Options

7.1 There are a number of options open to the committee:

- Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
- Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- To exclude from the scope of the licence any of the licensable activities to which the application relates,
- To refuse to specify a person in the licence as the premise supervisor, or
- To reject the application.

8. Reasons for Recommendations

8.1 Ensure compliance with the legislation.

9. Introduction and Background

9.1 Background Information

Applicant	Murat Polat 21-21 A Union Stree, Hereford, HR1 2BT	
Representative	N/K	
Type of application: New Application	Date received: 7/03/2013	28 Days consultation 3/04/2013

9.2 Licence Application

The application for a new premises licence has received representation and is brought before the committee for determination.

9.3 **Summary of Application**

The application requests:

Late Night Refreshment
2300 – 0200

All days of the week (Indoors)

9.4 Non Standard Timings:

Sunday before Bank Holiday & Christmas Eve and New Year Eve 2300 – 0330.

9.5 **Summary of Representations**

A copy of the representations can be found within the background papers. Representations have been made by **two (2)** responsible authorities (Police and Licensing Authority).

9.6 **Previous History**

In the past the premises were licensed for the provision of late night refreshment until 0130 hours on all days.

However, the premises were sold, by the previous licence holder, at least prior to 22 October 2012 to the current applicant. Mr Polat was advised at that time of the need to transfer the licence but refused to do so. Eventually the holder of that licence surrendered it on 27 December 2012.

10. **Key Considerations**

- 10.1 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

11. **Community Impact**

- 11.1 The granting of the licence as applied for may have an impact on the Community.

12. **Equality and Human Rights**

- 12.1 "A public authority must, in the exercise of its functions, have due regard to the need to –
- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

13. **Financial Implications**

- 13.1 There are unlikely to be any financial implications at this time to the authority.

14. Legal Implications

- 14.1 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
- 14.2 The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.
- 14.3 In this case it was summed up that: -
A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
- 14.4 Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
- 14.5 This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:
'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
- 14.6 The case of Luminar Leisure Ltd v Wakefield Magistrates' Court, Brooke Leisure Limited, Classic Properties Limited, Wakefield Metropolitan District Council, heard before the High Court of Justice, Queen's Bench Division The Administrative Court, 18 April 2008, [2008] EWHC 1002 (Admin) would appear to be relative in this matter.
- 14.7 This matter involved an application by Luminar for a nightclub which was located just outside the Wakefield Cumulative Impact Area. The application was granted by the Local Authority and that decision was subsequently appealed.
- 14.8 The judge allowed the appeal on the grounds 'because of the effect which the increase in the number of people attending such a venue in Westgate would have, generally, on crime and disorder in the area'.
- 14.9 The matter was further appealed to the High Court by way of case stated.
- 14.10 Three questions were posed for the Judge to address. The last question asked was 'Was it a proportionate response to refuse the licence rather than to impose conditions on any licence?'
- 14.11 In respect of this it was stated 'To put a limit on the extent to which cumulative impact is legally relevant is something which seems to me not to be permitted by the statute. But with all that this condition was not sought. So the answer to question 3 is "yes"'.
So the answer to question 3 is "yes".
- 14.12 The stated case of 'The Queen on the application of JD Wethersoon PLC v Guildford Borough Council which appeared in front of the Honourable Mr Justice Beatson at the Queens Bench Division Administrative Court on 11th April 2006 at paragraph 73 stated:

14.13 The guidance provides that, where a cumulative impact policy is so adopted, there will be a rebuttable presumption that applications for new premises licences or material variations will normally be refused. To that extent, where there is such a policy, the guidance must permit an individual application to be considered on the basis of the rebuttable presumption so that the burden of proof lies on the applicant. In any event, if an area is so affected by serious alcohol related crime that the evidential basis for the special policy exists, requiring an applicant for a variation of the hours of premises in the area to demonstrate that the variation would not add to the area's problems does not mean that the "merits" of the application are not considered. A reversed burden of proof does not preclude consideration of the "merits" of an application.

14.14 Schedule 5 gives a right of appeal to: -
Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
- (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
- (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
- (d) rejects an application to transfer a premises licence under section 44,
the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
he may appeal against the decision.
- (4) In sub-paragraph (3) "relevant representations" has the meaning given in section 18(6).

14.15 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

15. Risk Management

15.1 No risk identified.

16. Consultees

16.1 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

16.2 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.

16.3 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.

16.4 The applicant has produced a copy of the advertisement which is incorrect, in that it does not show the non-standard timings.

17. Appendices

- a. Application Form
- b. Local Authority Representation
- c. Police Representation
- d. Herefordshire Council Special Policy

18. Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

Guidance issued under Section 182 of the Licensing Act 2003

Effect of special policies

- 13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.
- 13.30 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.
- 13.32 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 13.33 Special policies may apply to the impact of a concentration of any licensed premises. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.
- 13.34 It is recommended that licensing authorities should publish contact points in their statements of licensing policy where members of public can obtain advice about whether or not activities should be licensed.

LIMITATIONS ON SPECIAL POLICIES RELATING TO CUMULATIVE IMPACT

- 13.35 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

- 13.36 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 16). The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.
- 13.37 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives
- 13.38 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 08 March 2013 10:30
To: Licensing
Cc: Spriggs, Fred; Semper,Nick; 'murat-polat-23@hotmail.com'
Subject: Marmaris Kebab House, 21 Union Street, Hereford

NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application for a new premises licence for a location known as **Marmaris Kebab House, 21 Union Street, Hereford**. The application is for the licensable activity of late night refreshment from 2300hrs to 0130hrs (7 days a week) plus various other days/dates until 0330hrs

West Mercia Police object to this application with regards to any licensed operating hours requested later than 0130hrs.

It is the view of West Mercia Police that if these extended operating hours are granted they will have a direct impact on the licensing objectives and in particular those concerning the prevention of crime and disorder and the prevention of public nuisance.

You will be aware that this location is a long term fast food outlet and has until recently (until the premises licence was surrendered) was licensed for late night refreshment until 0130hrs.

If this matter is to progress to a regulatory licensing hearing, West Mercia Police will provide information with regards to crime, disorder and nuisance connected in or near this premises.

I have copied this objection notice to the applicant.

Regards

Jim Mooney
Police Licensing Officer - South Hub
Territorial Policing Unit - Herefordshire
West Mercia Police
01432 347102 (direct line)
07792 366 462 (work)
herefordandworcesterlicensing@westmercia.pnn.police.uk

Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

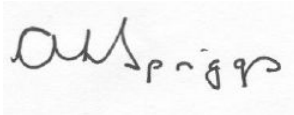
I refer to the application made for the grant of a premises licence in respect of Marmaris, 21 Union Street, Hereford, HR1 2BT.

The application requests the licencing of a premises as a fast food outlet. Whilst in the past there has been a premises at this location the premises licence was surrendered earlier this year.

The premises is within the heart of the area covered by Herefordshire Council's Special Policy under the Licensing Act 2003 (the Cumulative Impact Area). This policy is in place due to the saturation of licensed premises which includes takeaways.

The applicant has failed to offer anything which would assist in reducing the impact of this premises within this area.

The Licensing Authority must **object** to the grant of the licence.

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

**Fred Spriggs
Licensing Officer**

[Insert name and address of relevant licensing authority and its reference number (optional).]

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 MURAT POLAT
(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			
MARMARIS KEBAB HOUSE 21 UNION STREET			
Post town	HEREFORD	Postcode	HR1 2BT
Telephone number at premises (if any)	01432 343 010		
Non-domestic rateable value of premises	£ 6680		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- 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)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body 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 in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales 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 POLNT			First names MWRNT		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

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?

DD MM YYYY
□ □ □ □ □ □ □ □

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

DD MM YYYY
□ □ □ □ □ □ □ □

Please give a general description of the premises (please read guidance note 1)

PIZZA - BURGER - KEBABS and soft drink

Takeaway shop with sitting area 16 covers

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 any that apply

- 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

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 type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23 ⁰⁰	1.30	<u>Please give further details here</u> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	23 ⁰⁰	1.30			
Wed	23 ⁰⁰	1.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23 ⁰⁰	1.30			
Fri	23 ⁰⁰	1.30	<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	23 ⁰⁰	1.30			
Sun	23 ⁰⁰	1.30			

Bank holidays offering time Sunday to Monday until 3.30 AM Christmas 24th December and New Year

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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).

L

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	23 ⁰⁰	1.30	
Tue	23 ⁰⁰	1.30	
Wed	23 ⁰⁰	1.30	
Thur	23 ⁰⁰	1.30	<p>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)</p> <p>Bank holidays opening the Sunday to Monday until 3.30AM Christmas 26th December and New Year</p>
Fri	23 ⁰⁰	1.30	
Sat	23 ⁰⁰	1.30	
Sun	23 ⁰⁰	1.30	

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

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

b) The prevention of crime and disorder

The Premises Licence Holder DPS will employ SIA door staff at other times when risk assessment dictates door supervision to be necessary / b) any complaints
a) all crimes reported to the police received

c) Public safety

c) any incidents of disorder
e) any visit by a relevant authority or emergency service
noise or vibration shall not emanate from the premises so as to cause
member all staff will be responsible at least for ensuring litter is removed from the area within 30 metres in each direction from the shop

d) The prevention of public nuisance

prominent clear and legible signage not less than 32 feet tall shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly

e) The protection of children from harm

--

Checklist:

Please tick to indicate agreement

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	
Capacity	

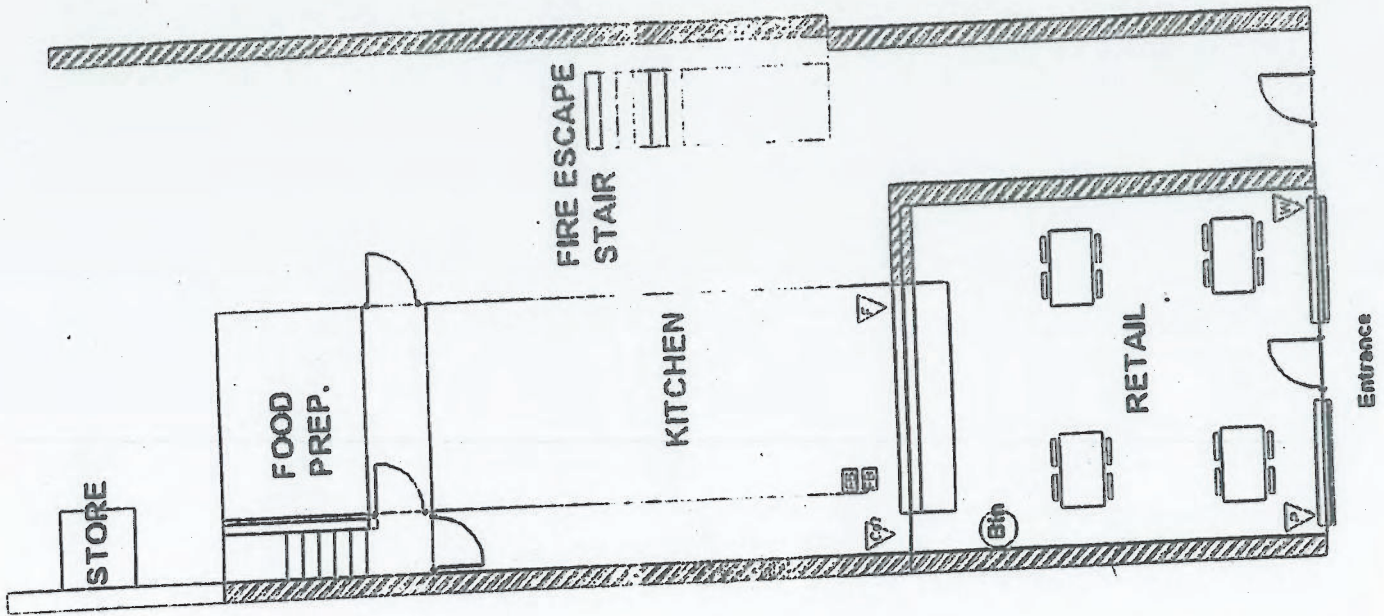
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.






Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



-  Fire Extinguisher - Water 9 Litre
-  Fire Extinguisher - Dry Powder
-  Fire Extinguisher - CO2
-  Fire Extinguisher - Foam
-  Fire Blanket

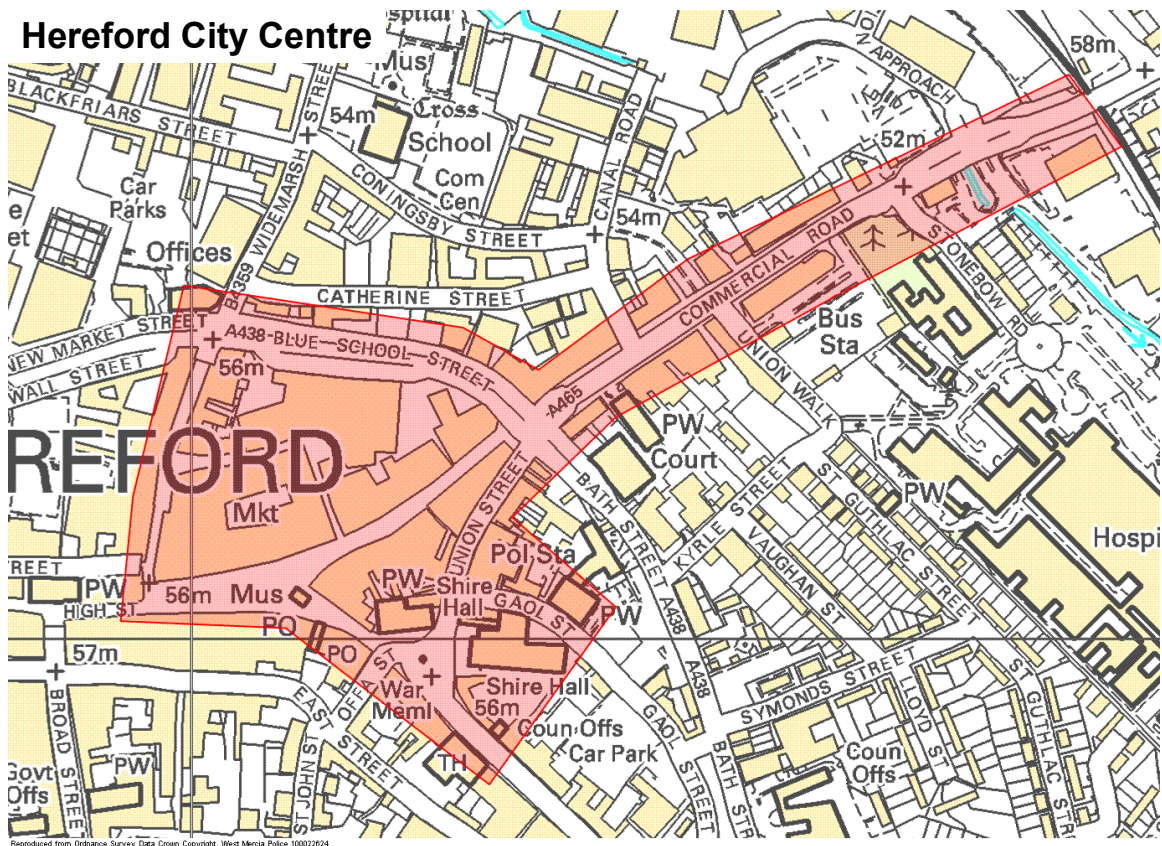
- LICENSABLE ACTIVITY



Summary of Crime and Disorder in Hereford City Centre Marmaris – licensing application

1.0 Overview

This document is an assessment of crime and disorder within the area outlined in red on the map below.



Particular emphasis is placed on crime and disorder involving alcohol disorder committed after 18:00 hrs and before 04:00.

2.0 Incidents

In the 12 months between 1 January and 31 December 2010 there were a total of 1003 incidents of relevant crime or disorder¹ reported in the area outlined above, of these, 229 incidents went on to be crimed (23%). Of the 1003 incidents 636 (63%) occurred between the hours of 18:00 and 04:00, 157 of these went on to be crimed (25%).

¹ Incident types included are; Anti-social Behaviour, assaults, criminal damage, drug offences, sexual offences, public order offences, collapse/illness/injury, concern for safety, licensing, suspicious circumstances.

In 2011 there were a total of 942 incidents, 201 went on to be crimed (21%). 611 (65%) occurred between 18:00 and 04:00, 147 of these went on to be crimed (24%).

This shows that, over both years, incidents occurring overnight are slightly more likely to be crimed and thus could be deemed to be more harmful.

In 2012 there were a total of 1014 relevant incidents, 222 of which have been crimed (22%). There have been 666 overnight incidents (66%), of which 147 have been crimed (22%).

The annual totals for last year show that two thirds of incidents in this area occur between 18:00 and 04:00 but in 2012 those incidents occurring in that time bracket are as likely not *more* likely to be crimed (as in previous years).

In January 2013 there were 64 incidents, 10 of which have been crimed (16%). 41 incidents occurred overnight, 6 of which were crimed (15%).

The incident types and their relative proportions are shown in the two tables below. The first shows incidents occurring throughout the day, the second shows only those occurring between 18:00 and 04:00.

Table of all call types throughout the day (all relevant incidents of crime and disorder January 2010- January (end) 2013)

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	475	416	448	27	47.36%	44.16%	44.18%	42.19%
Suspicious Circumstances	187	216	258	17	18.64%	22.93%	25.44%	26.56%
Assaults	87	72	94	7	8.67%	7.64%	9.27%	10.94%
Concern for Safety	73	127	129	9	7.28%	13.48%	12.72%	14.06%
Collapse/Illness /Injury	67	14	0	0	6.68%	1.49%	0.00%	0.00%
Criminal Damage	61	47	37	2	6.08%	4.99%	3.65%	3.13%
Public Order Offence	32	31	22	1	3.19%	3.29%	2.17%	1.56%
Drug Offences	13	16	21	0	1.30%	1.70%	2.07%	0.00%
Sexual Offence	7	2	5	1	0.70%	0.21%	0.49%	1.56%
Licensing	1	1	0	0	0.10%	0.11%	0.00%	0.00%
Total	1003	942	1014	64	100.00%	100.00%	100.00%	100.00%

Table of overnight relevant call types (18:00hrs to 04:00 hrs) January 2010- January (end) 2013

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	328	293	328	19	51.57%	47.95%	49.25%	46.34%
Suspicious Circumstances	92	114	138	11	14.47%	18.66%	20.72%	26.83%
Assaults	65	54	62	4	10.22%	8.84%	9.31%	9.76%
Concern for Safety	30	73	77	5	4.72%	11.95%	11.56%	12.20%
Collapse/Illnesses/Injury	45	8	0	0	7.08%	1.31%	0.00%	0.00%
Criminal Damage	31	29	21	1	4.87%	4.75%	3.15%	2.44%
Public Order Offence	26	26	17	1	4.09%	4.26%	2.55%	2.44%
Drug Offences	13	12	21	0	2.04%	1.96%	3.15%	0.00%
Sexual Offence	5	1	2	0	0.79%	0.16%	0.30%	0.00%
Licensing	1	1	0	0	0.16%	0.16%	0.00%	0.00%
Total	636	611	666	41	100.00%	100.00%	100.00%	100.00%

This table shows how the 1954 overnight relevant incidents within the period 1 January 2010 to 31 January 2013 are distributed over the week and throughout the night; as expected the peak times for calls are weekends 23:00 to 02:00:

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
1800	15	8	16	8	17	14	11	89
1900	15	21	14	19	14	27	12	122
2000	14	12	16	19	15	19	22	117
2100	16	22	18	11	35	33	28	163
2200	20	19	24	17	26	35	27	168
2300	23	20	23	41	73	63	29	272
0000	37	19	15	32	31	85	89	308
0100	18	18	24	24	38	77	98	297
0200	15	9	12	13	14	89	84	236
0300	5	4		4	20	75	74	182
Grand Total	178	152	162	188	283	517	474	1954

Of the 1954 incidents over the period, 909 have been given the “alcohol involved” incident marker (47%).

TOTAL 2300-0300 = 1295

3.0 Crime

Over the period 1 January 2010 to 31 January 2013 there were 452 incidents (18:00 to 04:00) within the area under review that went on to receive an external crime number.

The table below shows the most common offence types (of which there have been four or more offences within the period). The offences in the table account for 79% to 87% of the crime committed in the area within the period and whilst the relative proportions remain largely similar there have been small increases in assault (ABH), criminal damage (to building – not dwelling), common assault, GBH (without intent), criminal damage (vehicle), possession of cannabis and cocaine and assault police officer.

The totals and percentages for January 2013 are shown for completeness.

Short Offence Title	2010	2011	2012	2013	% of offences 2010	% of offences 2011	% of offences 2012	% of offences 2013
Assault (ABH)	37	29	35	0	25%	22%	30%	0%
Using disorderly Behaviour	26	14	5	0	18%	11%	4%	0%
Criminal damage (not dwelling)	18	15	13	1	12%	12%	11%	14%
Common assault	7	12	12	1	5%	9%	10%	14%
Criminal damage (other property)	7	8	3	0	5%	6%	3%	0%
Fear/provocation of violence (s4)	7	7	2	0	5%	5%	2%	0%
GBH (without intent)	5	4	7	1	3%	3%	6%	14%
Malicious wounding	4	8	4	1	3%	6%	3%	14%
Criminal damage (vehicle)	2	6	4	0	1%	5%	3%	0%
Possess class B - Cannabis	3	3	6	1	2%	2%	5%	14%
Possess class A - Cocaine	2	0	8	0	1%	0%	7%	0%
Affray	4	2	3	1	3%	2%	3%	14%
Attempt GBH	2	3	1	0	1%	2%	1%	0%
Assault police officer	0	2	3	0	0%	2%	3%	0%
Total	124	113	106	6	85%	87%	91%	86%
Others	22	17	11	1	15%	13%	9%	14%
Grand Total	146	130	117	7	100%	100%	100%	100%

3.1 – Additional police powers (dispersal notices)

In 2010 additional powers were introduced to allow the police to exclude persons from a specific area for up to 48hrs as a result of alcohol related disorder. These are commonly known as 'dispersal notices'.

These powers are within S27 of the Violent Crime Reduction Act 2006.

These powers are used 'dynamically' by police officers at a time when the incidents have or are occurring and do not always result in crimes or incidents being recorded.

In 2011 in total 549 notices were issued in the city centre of Hereford between the hours of 2300 and 0400hrs. 39 notices were issued in Union Street

In 2012 in total 443 notices were issued in the city centre of Hereford between the hours of 2300 and 0400hrs. 27 notices were issued in Union Street

It is right to say that the REDUCTION in notices is due to the success of the policing tactics employed at any given time.

4. Marmaris – further information

West Mercia Police are able to say that on the following dates, the premises was operating and selling hot food in contrary to its premises licence. At all times customers were present and food was seen to be delivered to them.

02 November 2012 – 2340hrs – at this time the premises was not licensed

27 October 2012 – 0138hrs – at this time the premises was breaching its licence

29 April 2012 – 0138hrs – at this time the premises was breaching its licence

28 April 2012 – 0154hrs – at this time the premises was breaching its licence

**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

3rd 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

NHS Herefordshire

Main Switchboard (01432) 344344, 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

22nd October 2012

Dear Sirs,

LICENSING ACT 2003 – BREACH OF LICENCE CONDITIONS

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

On Sunday 21st 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:



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

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.

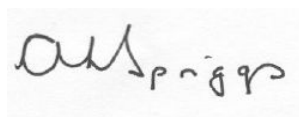
You should note that incomplete applications will not be accepted.

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

27th 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
NHS Herefordshire Main Switchboard (01432) 344344, 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

13th February 2013

Dear Sir,

LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY

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

On Saturday 9th 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:

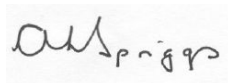
You can not provide hot food or drink between 11 pm to 5 am without a licence.

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

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

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

22nd April, 2013

Dear Mr Polat,

LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY

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

On Saturday 20th 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.

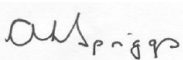
To make the situation absolutely clear to you:

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

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	24 JULY 2013
TITLE OF REPORT:	TO CONSIDER AN APPLICATION FOR A VARIATION OF THE PREMISES LICENCE IN RESPECT OF 'BROMYARD KERAB AND BURGER SHOP, 3 CRUXWELL STREET, BROMYARD, HR7 4EB' – LICENSING ACT 2003.
REPORT BY:	CLAIRE CORFIELD – LICENSING MANAGER

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

Bromyard

4. Purpose

To consider an application for the variation of a Premises Licence in respect of 'Bromyard Kebab and Burger Shop, 3 Cruxwell Street, Bromyard, HR7 4EB.

5. Recommendation(s)

THAT

The Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The police application for a review,
- The Guidance issued to local authorities under the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

6. Key Points Summary

- The application requests the removal of the condition in relation to SIA door staff and an extension of operating hours until 0130 hours.

Further information on the subject of this report is available from
Clare Corfield, Licensing Manager 01432 26012

- The conditions attached to the licence were imposed following a review on 9th May 2008 following serious disorder at the premises
- The Licensing Authority have objected to the variation of the licence.

7. Options

There are a number of options open to the committee:

- Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application,
- Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives,
- To reject the application.

8. Reasons for Recommendations

Ensure compliance with the legislation.

9. Introduction and Background

Background Information

Applicant	Chui Chi Cheng 21 Broad Street, Leominster, HR6 8BT	
Representative	N/K	
Type of application:	Date received:	28 Days consultation
Variation	01/06/2013	28/06/2013

Licence Application

The application for a variation to the premises licence has received representation and is brought before the committee for determination.

Summary of Application

The application requests that:

The condition attached to the licence which reads 'The provision of a minimum of two SIA registered door supervisors on the premise from 2300 to 0030 hours every Friday and Saturday night' be amended to read 'The premises licence holder will employ SIA registered door supervisor(s) on a risk assessed basis'

The application also requests that the hours be extended from 0030 hours on a Friday and Saturday to 0130 hours.

Summary of Representations

A copy of the representations can be found within the background papers.

Representations have been made by:

One (1) from Responsible Authorities (Licensing Authority)

One (1) representation was received from a member of the public.

Review Details

On 9 May 2008 the premises licence was reviewed following a serious incident of disorder at the premises. The terminal hour of 0030 on a Friday and Saturday night were imposed by the committee together with the SIA condition. A copy of the decision notice is attached.

10. Key Considerations

To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

11. Community Impact

The granting of the licence as applied for may have an impact on the Community.

12. Equality and Human Rights

"A public authority must, in the exercise of its functions, have due regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

13. Financial Implications

There are unlikely to be any financial implications at this time to the authority.

14. Legal Implications

The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under

section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

- 1 Where a licensing authority—
 - (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
 - (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or 3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
 - (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,he may appeal against the decision.
 - (4) In sub-paragraph (3) "relevant representations" has the meaning given in section 18(6).

Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

15. Risk Management

15.1 None identified

16. Consultees

Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.

The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.

The applicant has produced a copy of the advertisement which is correct.

17. Appendices

- a. Application Form
- b. Local Authority Representation
- c. Decision Notice

18. Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

EN 8 TO LICENSING SECTION
RECEIVED
 31 MAY 2013
 TO:

Licensing Section, Herefordshire Council, County offices, Po Box 233, Bath Street, Herefordshire
 HR1 2ZF

Application to vary a premises licence 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 Chui Chi Cheng
(Insert name(s) of applicant)
 being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PR01041

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 3 Cruxwell Street			
Post town	Bromyard	Postcode	HR7 4EB
Telephone number at premises (if any)	01885 483 777		
Non-domestic rateable value of premises	£3300		

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Ground floor shop premise currently used as a kebab and burger hot food takeaway with a customer waiting area situated out front with cooking area sectioned off and staff room/office and kitchen to the rear of the premise. It is proposed as follows:

1. That the premises license be varied in that the condition imposing "the provision of a minimum of two SIA registered door supervisors on the premise from 2300 to 0030 hours every Friday and Saturday night" (as highlighted in copy of relevant part of the Licence enclosed) be revised to "the premises licence holder will employ SIA registered door supervisor(s) on a risk assessed basis"
2. That the operating hours be extended every Friday and Saturday night by 1 hour so that late night refreshment can be carried on from 2300 to 0130 hours every Friday and Saturday night as it had prior to the review carried out on 9th May 2008

The variation does not involve an increase in licensable activities. The use and layout remains the same. The variation is proposed for the same reasons as stated in section M(a) of this application

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

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

E

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

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) The proposal to extend the licensing hours every Friday and Saturday night by 1 hour is to accommodate special local events that occur on annually but not necessarily on the same dates without the need to make repeat applications to vary the licence.		
Mon	2300	2400			
Tue	2300	2400	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed	2300	2400			
Thur	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)		
Fri	2300	0130			
Sat	2300	0130			
Sun	2300	2400			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises <input type="checkbox"/>		
				Off the premises <input type="checkbox"/>		
				Both <input type="checkbox"/>		
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
					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)	

K

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).

Not applicable

L

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	1000	2400	<p><u>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)</u></p>
Tue	1000	2400	
Wed	1000	2400	
Thur	1000	2400	
Fri	1000	0130	
Sat	1000	0130	
Sun	1000	2400	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

It is proposed that the condition imposing “the provision a minimum of two SIA registered door supervisors on the premise from 2300 to 0030 hours every Friday and Saturday night” to “the premises licence holder is to employ SIA registered door supervisor(s) on a risk assessed basis on the premise from 2300 to 0030 hours every Friday and Saturday night”

It is also proposed that the operating hours be extended every Friday and Saturday night by 1 hour so that late night refreshment can be carried on from 2300 to 0130 hours every Friday and Saturday night as it had prior to the review carried out on 9th May 2008.

The variation does not involve an increase in licensable activities. The use and layout remains the same. The variation is proposed for the same reasons stated in section M(a) of this application.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

The condition relating to the SIA registered door supervisors and the reduction in opening/licensing hours was first imposed as a result of crime and disorder issues which were prevalent in the area at the time. The applicant has discussed this matter with the local police licensing officer and was assured that since 5 years have passed with little or no crime and disorder connected to the premises, the condition is now outdated and no longer relevant. As such, the Applicant maintains that the proposed variation would not encourage crime and disorder particularly as the Applicant has installed new CCTV security cameras with recording equipment in prominent positions as a day to day deterrent but still retaining the obligation to provide SIA registered door supervisor(s) as and when it is deemed necessary. Otherwise, all other conditions remains unchanged therefore keeping intact the obligation to upkeep the licensing objectives as dictated in the licence.

b) The prevention of crime and disorder

The Applicant has installed new CCTV security cameras with recording equipment in prominent positions as a day to day deterrent to crime and disorder. The Applicant has also had experience with another family run premises where the installation of prominently place CCTV security cameras have been a deterrent to crime and disorder and have seen significant results. Furthermore, the proposed variation, although less onerous, still imposes a responsibility on the Applicant to provide SIA registered door supervisor(s) on a risk assessed basis therefore keeping intact the obligation to upkeep the licensing objectives as dictated in the licence.

c) Public safety

The conditions in relation to public safety remain unchanged and therefore unaffected.

d) The prevention of public nuisance

The conditions in relation to prevention of public nuisance remain unchanged and therefore unaffected.

e) The protection of children from harm

Not applicable in relation to this licence.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

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 state 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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the 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.

Representation made by the Local Authority

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for the variation of a premises licence in respect of Bromyard Kebab & Burger Shop, Cruxwell Street, Bromyard.

The application requests the removal of the condition which states that:

- The provision of a minimum of two SIA registered door supervisors on the premise from 2300 to 0030 hours every Friday and Saturday night.

This condition was imposed by the Regulatory Sub-Committee at a Review Hearing of the Licence on 9th May 2008 following a serious fight and assault having occurred in the premises.

The Licensing Authority must object to the variation of the licence under the licensing objectives of the Prevention of Crime & Disorder and Public Safety.

Since the condition was imposed in 2008 the premises has not operated beyond 2300 hours and as such has been run as a non-licensed premises. The condition is relation to SIA door staff therefore has not been tested and therefore the condition suggested by the applicant that 'SIA door staff should be employed on a risk assessed basis' is not evidential based.

Furthermore the applicant for the variation has only recently acquired the premises and is not from the Bromyard area and therefore has little knowledge of the issues in respect of clientele.

If the applicant was to operate the premises under the current imposed conditions for a period of 6 months without incident, the Licensing Authority may be more mindful to agree to the amendment of the condition.



Fred Spriggs
Licensing Officer

EN 4 TS / LICENSING SECTION
RECEIVED

13 JUN 2013

TO:

DEAR SIR/MADAM.

I am writing in reference to an application for a variation/grant.

IN REFERENCE TO:

THE KEBAB HOUSE.

3 CRUXWELL STREET

BROMYARD

HR 7 4EB.

The application wishes to change the condition of its license, in that it will not have to provide S.I.A. doormen on its premises on a Friday and Saturday until 00:30 a.m. And is asking for discretion and extended opening to 1.30 a.m.

I as a resident wish to object to this Proposed amendment.

My reasons are:

1. The STREET noise that is already Present late at night is already high due to People leaving the Pubs and Passing By The KEBAB house. Opening Beyond 11:00pm. could only increase the noise

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2. There have been Numerous Fights and Brawls outside the shop in Normal hours. Normally unattended By Police.

3. Parking off vehicles outside the shop. This is a narrow STREET, and is constantly being

Block by cars playing loud music, and parking on double yellow lines outside the kebabs shop.

I FEEL THAT THESE OBJECTIONS ARE WARRANTED, AND ASK FOR THEM TO BE TAKEN INTO CONSIDERATION YOUR COOPERATION IN THIS MATTER IS APPRECIATED.



HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	Bromyard Kebab & Burger Shop
LICENCE HOLDER	Mr Isa Sorguica
APPLICANT'S NAME	Chief Constable Paul West
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor Brigadier P Jones CBE Councillor JW Hope MBE Councillor A Seldon
DATE OF MEETING	9 May 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from PC Thomas, PC Meek and Mr Thorne, the Principal Trading Standards Officer, together with Mr Sorguica and Mr Graham, the premise licence holder and his representative.

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

That the following additional conditions be imposed forthwith* upon the licence:-

- The provision of a minimum of two SIA registered door supervisors on the premise from 2300 to 0030 hours every Friday and Saturday night.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or
(b) if the decision is appealed against, until the appeal is disposed of.*

That the Hours of Licensable Activity be forthwith varied as appearing in the table below:-

HOURS OF LICENSABLE ACTIVITY

	Late night refreshment	Open to the public
Sunday - Thursday	No Change	No Change
Friday	2300 - 0030	1000 - 0030
Saturday	2300 - 0030	1000 - 0030

HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them. The Members made their decision in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.