

ARUN DISTRICT COUNCIL

LICENSING SUBCOMMITTEE – 25th JANUARY 2019

PART A: REPORT

SUBJECT: Application for the variation of a Premises Licence

REPORT AUTHOR: Glenn James, Licensing Officer

DATE: 2 January 2019

EXTN: 37681

PORTFOLIO AREA: Place

EXECUTIVE SUMMARY: This report asks Members to consider the matter of an application for the variation of a premises licence for Best Kebab, 18 Queensway, Bognor Regis

RECOMMENDATIONS: It is recommended that the Members consider application and make an appropriate decision from the options available to them at section 3.0 of this report.

1. BACKGROUND:

1.0 Introduction

- 1.1 Mr Mehmet Karakus has made an application to vary a premises licence under section 34 of the Licensing Act 2003.
- 1.2 The premise is subject to an existing premises licence for the provision of late night refreshment.
- 1.3 The premises is situated on a main thoroughfare where there is a mix of residential and business properties. .
- 1.4 The premise is a small fast food outlet with a maximum of 8 covers and operates only at street level.
- 1.5 The variation to the application is for the following licensable activities:

Supply of alcohol on and off premises	13.00.00 to 01.00 Monday to Wednesday 13.00 to 03.00 Thursday 13.00 to 04.00 Friday and Saturday 13.00 to 01.00 Sunday
Hours open to the public	13.00.00 to 01.00 Monday to Wednesday 13.00 to 03.00 Thursday 13.00 to 04.00 Friday and Saturday 13.00 to 01.00 Sunday
Removal of condition	On all days when the licence permits the

	premises to remain open after 01.00, a licensed and registered door supervisor will be deployed on the premises from 01.30 until the premises closes. The person deployed in this capacity will not perform any other role whilst performing door supervision activities.
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1.6 The current licence is for:

Supply of Alcohol	No alcohol currently being supplied
Hours open to the public	13.00 to 01.00 Monday to Wednesday 13.00 to 03.00 Thursdays 13.00 to 04.00 Friday and Saturday 13.00 to 01.00 Sunday
Licence condition	On all days when the licence permits the premises to remain open after 01.00, a licensed and registered door supervisor will be deployed on the premises from 01.30 until the premises closes. The person deployed in this capacity will not perform any other role whilst performing door supervision activities.

1.7 Representations against the application have been received from Licensing authority, Environmental Health, Regeneration team, Sussex police and Bognor Regis Town Council. The representations are considered valid in regards to the licensing objectives, The Subcommittee may only consider those points within representations which are relevant in terms of the Act and relate to the licensing objectives.

1.8 The applicant was advised of the nature of the representations and responded to Licensing on 30th November 2018, that the SIA door staff will remain and to reduce the hours for the sale of alcohol, however he did not provide any times for which the sale of alcohol will take place.

1.9 On 14th December 2018 the applicant responded to the police representation stating that he would wish to remove the SIA door supervisor on Fridays and to keep the SIA door supervisor on Saturdays. He also stated he would reduce the sale of alcohol on:

Sundays to Wednesday 13.00 to Midnight
Thursday to Saturday 13.00 to 02.00

The applicant has stated they wish to keep the existing conditions and operating schedule, but refers to any other condition to be added to the licence to promote the licensing objectives

1.10 At the present time there is no sanitary accommodation in the premises for customers. The guidance for sanitary accommodation in a food business states: 'Restaurants, cafes, fast food outlets and canteens with 0-8 seats = no minimum sanitary requirements required'.

2.0 POLICY CONSIDERATIONS

Arun's policy states:

- 5.10 Arun District Council acknowledges that licensing law is not a mechanism for the general control of anti-social behaviour by people once they are beyond the direct control of the individual, club or business holding a licence, certificate or relevant permission. However, the Licensing Authority believes a level of responsibility for customer or member behaviour clearly exists beyond the site boundary. The Licensing Authority will seek compelling evidence linking incidents that occur away from particular premises when making decisions concerning licences, certificates or notices. The control of anti-social behaviour away from licensed premises, qualifying clubs and temporary events is primarily a matter for the Police but the individual, club or business holding a licence, certificate or relevant permission will be expected to work in co-operation with the Police to ensure that, wherever possible, anti-social behaviour away from premises and events is minimised.
- 6.2 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes in operation.
- 8.2 The licensing committee or its subcommittee licensing authority is only able to impose additional conditions that are clearly proportionate and appropriate following relevant representation made to the authority or that are agreed with the applicant. Such conditions will only be imposed if appropriate for the promotion of the licensing objectives. The licensing authority may act in its capacity as a responsible authority and raise representations in relation to an application if it deems it appropriate to do so.
- 11.5 The Council may require stricter (noise) conditions where the premises are situated in an area primarily of a residential nature.

3.0 OBSERVATIONS

- 3.1 The Subcommittee is obliged to determine the application with a view to promoting the licensing objectives, which are:
 - i) The Prevention of Crime and Disorder
 - ii) The Prevention of Public Nuisance
 - iii) Protection of Children from Harm
 - iv) Public Safety
- 3.2 In making its decision the Subcommittee is also obliged to have regard to national guidance and Arun's Statement of Licensing Policy.
- 3.3 The Subcommittee must also have regard to all relevant representations and evidence that it hears

2. PROPOSAL(S): To consider the applicant with a view the licensing objectives and make an appropriate decision from the options available at section 3.0 of this report.

3. OPTIONS

3.1 Grant the licence as applied for

3.2 Grant the licence with the modified times and conditions as stated in appendix 7

3.3 Grant the licence but add whatever conditions is deemed appropriate to promote the licensing objectives

3.4 Modify the application

3.5 Refuse the application

4. CONSULTATION: Not Applicable

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors	✓	
Relevant Authorities	✓	
Other groups/persons (please specify)	✓(public advert)	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)

	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

6. IMPLICATIONS:

7. REASON FOR THE DECISION: The Council has a statutory duty to determine the application and give full reasons for their decision.

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APPENDICES:

- 1 Application
- 2 current licence
- 3 Photographs of the local area
- 4 Plan of premises
- 5 Representations
- 6 Correspondence from applicant regarding licensing representation
- 7 Correspondence from applicant regarding police representations
- 8 Guidance for the provision of sanitary accommodation

BACKGROUND PAPERS:

Licensing Act 2003

Section 182 Guidance

Arun District Council Statement of Policy