

## **LICENSING SUB-COMMITTEE**

Tuesday, 4th September, 2012

**Present:-** Cllr Hambleton – in the Chair

Councillors Eastwood and Mrs Winfield

### **1. APPLICATION FOR A VARIATION TO A PREMISE LICENCE BEST KEBAB HOUSE**

Having taken into account the Licensing Act 2004 the S182 guidance and the Council's Statement of Licensing Policy the Committee considered the licensing objectives in light of what had been said both by the police and the applicant and his representative.

The Committee heard evidence from the police that the location of this premises was a magnet for revellers leaving the town centre however the Committee had to take each application on its own individual merits and noted that there had been no evidence given that this premises specifically had added to instances of crime and disorder.

The Committee has had regard to the evidence of Sergeant Speedman that states between the hours of 1.30 – 3-am there is a lack of vehicles to take people from the town and as a result the A52 upon which the premises is located is a main corridor for pedestrians and the police accordingly have to consistently deploy officers there.

The Committee carefully considered the evidence given by the police that the applicant has consistently breached the licensing conditions by either operating beyond its hours or not having SIA door staff on duty. The Committee was mindful that it did not sit to establish the guilt or innocence but to ensure the promotion of the crime prevention objectives.

The Committee noted the police's lack of confidence in the applicant to adhere to any conditions but it was willing to afford the applicant one last chance to prove that he could adhere to conditions and accordingly made the following decision – the application to amend the opening hours of the premises was refused accordingly:-

Therefore the following (“terminal hours”) would apply:-

Monday – Thursday the premises to close at 12.00 midnight to members of the passing public

Friday – Saturday the premises to close at 1.30am to members of the passing public and

Sunday the premises to close at 12.00 midnight to members of the passing public

The Committee permitted the premises to supply by way of delivery service through telephone orders only until the following times

Monday – Thursday until 2.30am

Friday – Saturday until 3.00am

**Licensing Sub-Committee - 04/09/12**

Sunday until 2.30am

The Committee imposed the following additional conditions to the licence:-

- 1) A roller shutter door shall be fitted to the front of the premises. This roller shutter door will be closed and secured at the terminal hours stated above.
- 2) The lights to the front of the premises and any signage indicating that the premises is open will be switched off at the terminal hours stated above.
- 3) Deliveries will be taken through the rear of the premises only to the delivery vehicle which shall be parked in the designated parking bay.

In making this decision the Committee considered that the premises would not add to the crime and disorder experienced in the area by pedestrians leaving the town centre.

However the Committee would take a very serious view if the matter was brought back before them with evidence that these conditions had been breached.

**Chair**