

LICENSING COMMITTEE (HEARING) – 15 DECEMBER 2010

APPLICATION FOR A PREMISES LICENCE FROM THE ISTANBUL KEBAB MIRAC CATERING LIMITED, 42 HIGH STREET, EDENBRIDGE, KENT. TN8 FOR VARIATION (UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 10/03381/LAPRE

Report of the: Community and Planning Services Director

Status: For Decision

Portfolio Holder Cllr. Mrs Bracken

Head of Service Head of Environment & Operational Services – Mr. Richard Wilson

Recommendation: Members' instructions are requested

Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.
- 2 The application is made by Mr Osman Keles, 12 Epsom Close, Bexleyheath, Kent. DA7 6DU for the premises Istanbul Kebab Mirac Catering Limited, 42 High Street, Edenbridge, Kent. TN8 5AJ. The application is to vary the opening times and increase the timings for late night refreshment.

The variation is to:

Section L	To allow late night refreshment on Monday to Thursday from 23:00 hours until 00:00 hours, Friday and Saturday from 23:00 hours until 01:00 hours and on Sunday from 23:00 hours until 23:30 hours.
Section O	Hours premises are open to the public on Monday to Thursday from 12:00 hours until 00:00 hours, Friday and Saturday from 12:00 hours until 01:00 hours and on Sunday from 12:00 hours until 23:30 hours.

Item No. 3

The applicant intends to take the following action in order to promote the four licensing objectives if the proposed variation is granted:

General

- 3 We believe the proposed variation would benefit to the public as a whole and promise we will endeavour to do our best to prevent any public nuisance.

The Prevention of Crime and Disorder

- 4 We believe that staying open until 01.00 hours and serving drunk customers would be beneficial in preventing crime and disorder, as people cause trouble when they are not able to get what they want at that specific time.

Public Safety

- 5 We also believe this would prevent people from getting into a quarrel late at night and put other people’s safety at risk, as they would be busy eating in peace.

The Prevention of Public Nuisance

- 6 We know this change would definitely prevent public nuisance as we have had to deal with many angry customers banging on our and our neighbour's windows because they could not get food as we were closed.

The Protection of Children from Harm

- 7 The proposed change would have little effect on this objective as we believe children should not be outside at that time.

Representations received from statutory consultees:

Fire Safety	NO ADVERSE COMMENTS
Trading Standards	NO ADVERSE COMMENTS
Social Service	NO ADVERSE COMMENTS
Police	NO OBJECTIONS
Commercial	NO OBJECTIONS

Environmental Protection	NO OBJECTIONS
Development Control	NO ADVERSE COMMENTS

Representations received from interested parties:

- 8 One from a local resident and one from Edenbridge Town council attached at Appendix D.

Conclusions

- 9 Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:
- 10 The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Risk Assessment Statement

- 11 This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.
- 12 The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 15th December 2010 subject to any appeal to a Magistrates Court or higher Court.

Sources of Information: <http://www.culture.gov.uk/alcohol> and entertainment

Contact Officer(s): Mrs. Leeann Leeds Ext. 7270

**KRISTEN PATERSON
COMMUNITY AND PLANNING SERVICES DIRECTOR**

