



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 29 September 2015

**Committee:
Licensing Act Sub-Committee**

Date: Wednesday, 7 October 2015

Time: 2.00 pm

Venue: Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Licensing Act Sub-Committee

Andrew Davies
Vivienne Parry
Michael Wood

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the duration of the meeting.

2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

3 Application for a Variation of a Premises Licence - Efes Kebab & Burger House, 8 Castle Foregate, Shrewsbury, SY1 2DJ. (Pages 1 - 12)

Report of the Public Protection Officer (Specialist) is attached, marked 3.
Contact Simon Ditton on 0345 6789026



<u>Committee and Date</u>
Licensing Act Sub-Committee
7 th October 2015
2.00 p.m.

<u>Item</u>
3
Public

LICENSING ACT 2003

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
e-mail: licensing@shropshire.gov.uk Tel: 0345 6789026

1. Summary

To consider an application for a variation to a Premises Licence.

Premises: Efes Kebab & Burger House, 8 Castle Foregate, Shrewsbury, SY1 2DJ. A location plan is attached to the report as Appendix A.

Shropshire Council being the authorised licensing authority for the above premises has received an application for a variation of a premises licence.

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy.

After considering all the relevant issues the licensing authority may grant the application in full or in part, subject to such conditions that are deemed necessary and appropriate. Any conditions imposed must be appropriate for the promotion of the licensing objectives.

Alternatively the application can be refused if it is considered appropriate for the promotion of the licensing objectives.

Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.

All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

2. Recommendations

That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 9.

That the Sub-Committee provides the reasons for its decision.

REPORT

3. Human Rights Act Appraisal

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for a Variation of a Premises Licence for Efes Kebab & Burger House, 8 Castle Foregate, Shrewsbury, SY1 2DJ.

6. Background

6.1 Mr Dede Mehmet Et, the Premises Licence holder, has made an application for variation of a Premises Licence.

6.2 The existing Premises Licence (copy attached at Appendix B) permits the following:-

Late Night Refreshment outdoors

Fri – Sat 23.00 – 04.00

Sun - Thu 23.00-03.00

Bank Hols/Xmas & New Year 23.00-04.00

Opening hours

Fri – Sat 16.00 – 04.00

Sun - Thu 16.00-03.00

Bank Hols/Xmas & New Year 16.00-04.00

- 6.3 The variation application seeks to amend the hours for late night refreshment (and opening) on Wed/Fri/Sat + Bank Hols/Xmas & New Year with a terminal hour of 05.00.
- 6.4 For variation applications, applicants are required to submit an operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. The applicant has indicated that the following steps would be taken, in to those already required:-
- 6.4.1 Prevention of Crime and Disorder
- (1) CCTV cameras (colour) covering the premises interior and exterior. Images retained for 1 month.
 - (2) 2 SIA door supervisors on Fri/Sat from 23.00 to 05.00 (one of which would control access at the door).

7. Objections Received (Responsible Authorities)

West Mercia Police have made a representation opposing the application. The premises is located in a commercial/residential area and the time requested could see a person consuming refreshments after 4am, which would infringe the amenity of the local residents (public nuisance). The current time of 4am is sustainable and in keeping with the areas commercial side.

There have been issues with crime and disorder, especially related to the later trading hours and extending the close time could increase the same.

8. Objections received (Other Persons)

- 8.1 One representation has been received from 'other persons', who have concerns in respect of crime and disorder and public nuisance. Principally the concerns relate to the nuisance and possible crime/disorder that might be caused with the hours increased for nearly half the week.
- 8.2 The applicant has indicated that he wishes to continue with the application as detailed above.
- 8.3 The representations have not been withdrawn.

9. Options for Consideration

- 9.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- To refuse to grant the application
- To grant the application with (or without) conditions in full (or in part)

9.2 If the application is to be granted in line with the submitted operating schedule then additional conditions detailed in paragraphs 6.4 of this report would need to be included in the licence, if deemed necessary and appropriate, with an appropriate decision.

9.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premises, it would not be appropriate to impose similar duties.

9.4 Members of the Sub-Committee should be advised that the applicant or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

10. Standard of Decision Making

10.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.

10.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of a Public Nuisance
- The protection of Children from Harm

10.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.

10.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council Licensing Policy.
Guidance issued under section 182 of the Licensing Act 2003 (Mar 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Application form and associated papers.
Copies of representations received.

Cabinet Member (Portfolio Holder)

Cllr S Charmley

Local Member

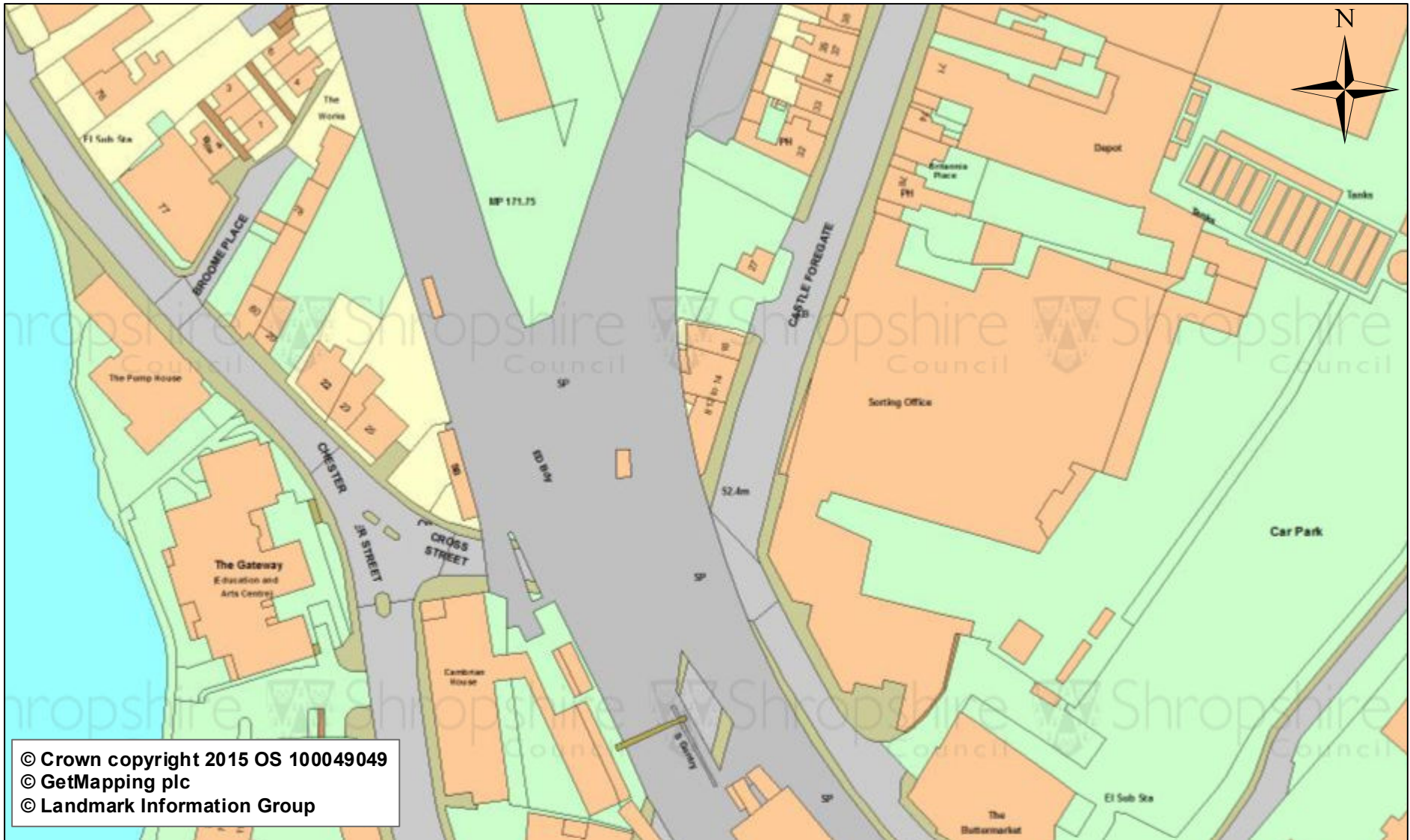
Cllr A Bannerman

Appendices

Appendix A – Location Plan

Appendix B – Current Premises Licence SABC/PREM/380

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Efes Kebab



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**Licensing Act 2003
PREMISES LICENCE**

PREMISES LICENCE NO: SABC / PREM / 380

PREMISES LICENSED: Efes Kebab and Burger House
8 Castle Foregate
Shrewsbury
SY1 2DJ

TELEPHONE NUMBER: 01743 368407

**DATES WHERE LICENCE
'S TIME LIMITED:** Not applicable

LATE NIGHT REFRESHMENT:
**LICENSABLE ACTIVITIES
CARRIED OUT:** Sunday to Thursday: 23:00 to 03:00 the following morning
Friday & Saturday: 23:00 to 04:00 the following morning
Bank Holiday's, Christmas & New Year: 23:00 to 04:00 the
following morning

**OPENING HOURS OF
THE PREMISES:** Sunday to Thursday: 16:00 to 03:00 the following morning
Friday & Saturday: 16:00 to 04:00 the following morning
Bank Holiday's, Christmas & New Year: 16:00 to 04:00 the
following morning

**ALCOHOL SALES ON
AND/ OR OFF PREMISES:** Not applicable

**NAME & ADDRESS
OF LICENCE HOLDER:** Dede Mehmet Et


TELEPHONE NUMBER: 

**REGISTERED NUMBER
OF HOLDER (i.e. charity or
company no.)** Not Applicable

NAME & ADDRESS OF DESIGNATED PREMISES SUPERVISOR WHERE ALCOHOL IS SUPPLIED:	Not Applicable
TELEPHONE NUMBER:	Not Applicable
PERSONAL LICENCE NO:	Not applicable
ISSUING AUTHORITY:	Shrewsbury & Atcham Borough Council The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

ANNEX 1

MANDATORY CONDITIONS

Supply of Alcohol

Where a Premises Licence authorises the supply of alcohol, the following conditions are applicable:

No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision/Supervisors

Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

Cinemas

For all premises licences and club premises certificates authorising the exhibition of films, access will be restricted only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification.

For the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under Section 4 of the Video Recordings Act 1984 – the British Board of Film Classification is the only body so designated.

ANNEX 2

CONDITIONS CONSISTENT WITH OPERATING SCHEDULE

The Prevention of Crime and Disorder

1. There would be CCTV footage, including retained footage for a required period;
2. The exterior of the premises would be lit;
3. Known troublemakers would be prohibited from entering the premises.

Public Safety

1. Emergency signage would be provided within the premises;
2. Only licensed taxis and minicabs would be advertised;
3. All staff would be fully trained and supervised and would wear uniforms;
4. There would be a first aid box on the premises and the premises supervisor would be trained in basic first aid;
5. The premises would have the benefit of fire extinguishers with all staff trained in their use;
6. The premises would be efficiently and responsibly managed.

The Prevention of Public Nuisance

1. Bins would be provided to the premises exterior;
2. The exterior of the premises would be cleared of rubbish after closing time each day.

The Protection of Children from Harm

1. Children would not be permitted in the kitchen or cooking area.

ANNEX 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

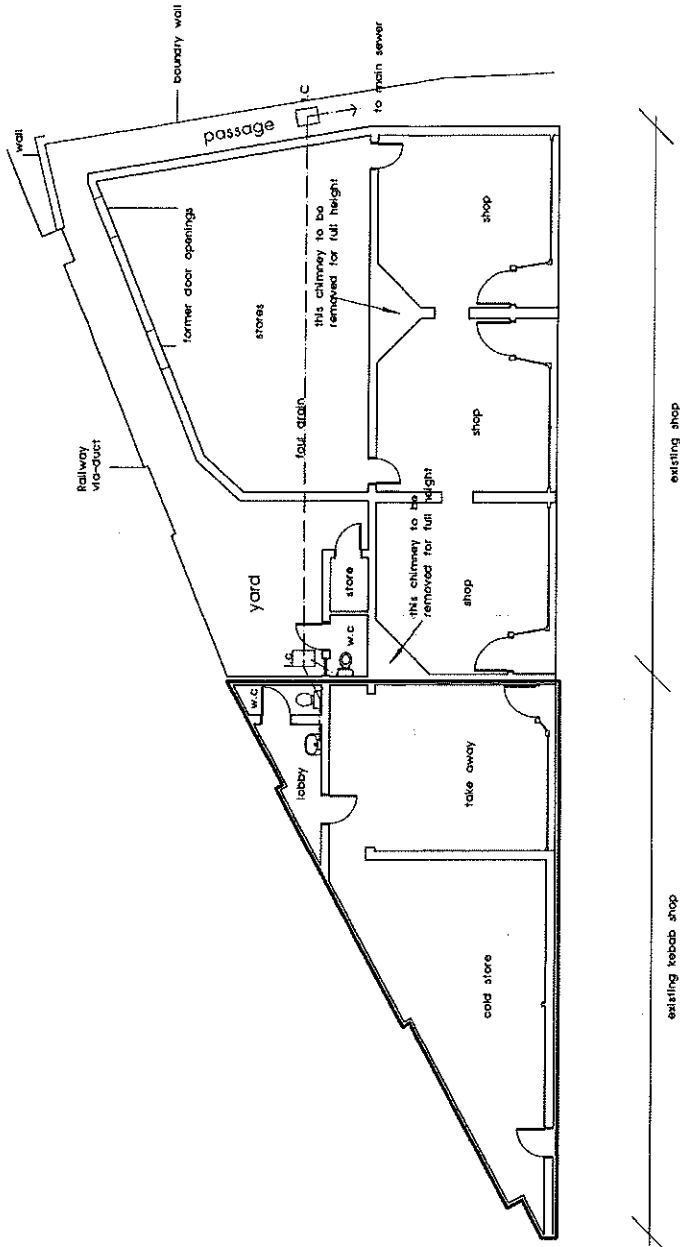
1. 2 SIA door supervisors would be on duty at the premises (one of whom should control access at the door) on Friday and Saturday between the hours of 23:00 to 04:00 the following morning;
2. CCTV would be installed at the premises to cover the premises entrance & interior and would be maintained in working order, with recordings kept for 28 days;
3. Sealed drinks containers not to be sold but drinks to be served in paper/plastic cups;
4. Bins provided to the premises exterior would to be emptied as appropriate.

ANNEX 4

PLANS

Drawing number SO3/1106

EXISTING FLOOR PLAN/BLOCK PLAN



David Owen ASSOCIATES 2A St Mary's Street Widdowson Warrington CH9 1DY	Client Mr Et Job title SO3/T106	Drawing Title Existing Floor Plan	Scale 1:100	Revisions
			Date Jan 03	

Draw No SO3/T106/2 Rev

All drawings and specifications contained in this document are copyright to David Owen Architectural Services. All dimensions must be checked on site and not scaled from the drawings. All discrepancies must be notified to the Agent immediately.