

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING	Thursday, 24 September 2015
SUB-COMMITTEE MEMBERS PRESENT:	Councillor Jennifer Jordan (Chairman) Councillor Mike Hurdle Councillor Mike Parsons
OFFICERS PRESENT:	Sophie Butcher (Committee Manager) Raj Devandran (Lawyer Litigation & Corporate) Mark Adams (Licensing Compliance Officer)
RESPONSIBLE AUTHORITIES:	Inspector Graham Barnett (Surrey Police) Ann Seviour-Harte (Occupational Health and Safety Officer) PC Matt Redfern (Surrey Police) Colin Whitear Licensing Enforcement Officer (Surrey Police)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	None.
PREMISES:	Mobile Catering Van at the roundabout outside Guildford Cathedral – grass area on left after exit on to A3, before university entrance, Guildford, Surrey
TYPE OF APPLICATION:	New application for a premises licence.
DETAILS OF APPLICATION SOUGHT:	A new premises licence to allow the provision of late night refreshment.
APPLICANT:	Mr Jamie Koc
OTHER PERSONS:	Councillor Graham Ellwood (Lead Councillor for Community Safety and Licensing) Councillor David Elms (Chairman, Licensing Committee) Mr Paul Narraway and Mr Doug Clare (observers)

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DETAILS OF DECISION TAKEN:

The Sub-Committee considered the application for a new premises licence for the provision of late night refreshment. The Sub-Committee also considered the relevant sections of the Council's Licensing Policy and the National Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 (as amended).

The Sub-Committee was informed by the Licensing Compliance Officer that a new premises licences was sought for the provision of late night refreshment by Mr Jamie Koc for a Mobile Catering Van between the hours 23:00 – 03:00 Monday – Thursday, 23:00 – 04:00 Friday – Saturday and 23:00 – 01:00 on Sunday. The premise was located at the roundabout outside Guildford Cathedral on the grass area on the left after exit on to A3, before the University of Surrey entrance. The Licensing Compliance Officer advised that under the Licensing Act 2003, a premises licence was required to provide late night refreshment from 23:00 until 04:00, but a licence was not required for operation of the van between the hours of 18:00 and 23:00.

The applicant, Mr Koc, had set out in his operating schedule the steps he would take to promote the licensing objectives (Appendix 2 in the agenda). The application received two representations, which related to the licensing objective of public safety.

Mr Koc made the following submissions in support of his application:

- a similar business had located close-by to his business on Egerton Road resulting in reduced trade, therefore necessitating the need to re-locate elsewhere;
- he understood the concerns raised in relation to the location of the new premises on a busy road. Nevertheless, a large portion of his business was undertaken late at night, traffic flows were very much reduced during these times.

Surrey Police made the following submissions in support of their representation:

- the proposed Mobile Catering Van was to be located on a blind bend and would encourage customers to park on the roundabout, on the University of Surrey campus or nearby on the land at the cathedral. The road was extremely busy and they were therefore very concerned in relation to the safety of customers.
- Due to the dangerous location, the police were particularly concerned for the safety of late night revellers such as students in search of refreshments;
- The Police stated that the lay-by would shortly become a restricted area therefore preventing people from being able to park their cars in these areas and the van would therefore soon have to cease operating in that location.

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Ann Seviour-Harte, the Occupational Health and Safety Officer made the following submissions in support of her representation:

- The proposed location of the kebab van on the roundabout would lead to an increase in vehicles and customers on foot on this major road. The licence holder would not be able to ensure the safety of his customers.

The Sub-Committee asked the following questions of the applicant:

- What training had the applicant had to deal with potential acts of crime and disorder?
- Mr Koc confirmed that he had not attended any specific training course, but had gained experience of managing such scenarios through the operation of his Mobile Catering Van over the last 15-20 years.
- The Chairman was concerned in relation to the condition proposed by the applicant to promote the licensing objectives which stated that:

- Children will be served first.

Make sure they are accompanied by an adult.

Children would most likely be in bed between the hours of 23:00 – 04:00, which the applicant confirmed would most likely be the case.

- The proposed location of the premises was perhaps one of the busiest road networks in Guildford. Why did the applicant therefore choose this specific spot?
- Mr Koc confirmed that after midnight not many people used the roads and that his main customer base at Egerton Road was taxi drivers; he expected his main customers at the new site, close to the University of Surrey, to be students.
- Mr Koc also stated that he had been trading from a Mobile Catering Van for the last 15-20 years. Another Mobile Catering Van had located close to his original location on Egerton Road and he was losing trade because of it. Mr Koc therefore wished to re-locate to cater for the students.
- Mr Koc understood that he would not be able to trade at the new location once the lay-by area became a restricted area.
- Mr Koc suggested putting a sign on his van requesting that vehicles do not park on the roundabout/lay-by areas.

In consideration of the submissions from the applicant, the responsible authorities were not convinced that the applicant had sufficiently demonstrated what steps would be taken to ensure the safety of customers using the Mobile Catering Van. The main area of concern remained, that the proposed location is sited on a very busy roundabout encouraging car users to park dangerously as well as compromising the safety of late night revellers.

The Licensing Compliance Officer reminded the Sub-Committee that they must consider the application for the grant of a premises licence on its merits. The Council's lawyer also advised them that the concerns raised in relation to increased traffic did not engage the licensing objectives, which fell more within the remit of the Planning authorities. In addition, the applicant did not need to demonstrate what demand there was for the services offered by his Mobile Catering Van.

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Having considered the application and the submissions from the applicant Mr Koc, the Sub-Committee

RESOLVED: That the application for a new premises licence in relation to Mobile Catering Van at the roundabout outside Guildford Cathedral – grass area on left after exit on to A3, before university entrance, Guildford, Surrey, be granted subject to the following conditions:

1. The licence holder and staff are trained to deal with crime and disorder.
Police will be informed of any crime and disorder.
Food packaging will be made safe and harmless.
CCTV monitors
2. Customers will be located far away from the road.
Customers will be provided with help if needed.
3. Customers will be advised to keep the noise levels down.
Bins will be provided.
Clean up outside after work every day.
4. Children will be served first.
Make sure they are accompanied by an adult.
5. The licensable activities shall be as set out below:

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Provision of Late Night Refreshment							
	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 04:00	23:00 – 04:00	23:00 – 01:00
Times premises are open to public							
	18:00 – 03:00	18:00 – 03:00	18:00 – 03:00	18:00 – 03:00	18:00 – 04:00	18:00 – 04:00	18:00 – 01:00

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REASON FOR DECISION:

In reaching their decision to grant the application subject to the above conditions, the Sub-Committee considered both written and oral representations from the applicant and the responsible authorities.

The Sub-Committee noted that the applicant had agreed to the imposition of conditions, which he had put forward to promote the four licensing objectives. The Sub-Committee was satisfied that it was appropriate to impose the conditions to assist in the prevention of crime and disorder, public nuisance and public safety. The Sub-Committee granted the licence despite their concerns regarding the high volume of traffic on the roundabout, but was mindful that traffic issues in themselves did not engage the licensing objectives. The Sub-Committee was satisfied that the lay-by would shortly become a restricted zone, the Mobile Catering Van would therefore have to re-locate, and a new premises licence applied for at that time.

Signature of Chairman:

Dated: