

LICENSING SUB-COMMITTEE

26 MARCH 2015

Application Type:	Application for a new Premises Licence	
Ward:	Friary & St Nicolas	Ward Councillors: Cllr David Goodwin Cllr Anne Meredith Cllr Caroline Reeves
Applicant:	Ibrahim Yaqubi, 15 Park Street, Guildford, Surrey GU1 4XB	
Applicant's Representative	Levent Kubilay, Kubilay & Co, 10 Harlow Road, Palmers Green, London, N13 5QT	
Premises:	Guildford Charcoal Grill, 15 Park Street, Guildford, Surrey GU1 4XB	
Proposal:	A new premises licence to allow: <ul style="list-style-type: none">• The provision of late night refreshment	

1. SITE LOCATION AND HISTORY

1.1 The premises is currently a town centre restaurant on two floors. The premises is in the vicinity of both residential and commercial properties.

1.2 A site location map is attached at **Appendix 1**.

1.3 The premises was previously licensed for the provision of Late Night Refreshment, licence reference GUPL0035, from 24 November 2005 until 12 May 2014.

1.4 Licence GUPL0035 was reviewed by Surrey Police in 2012, at which time the Sub-Committee amended the hours and imposed additional conditions. A record of this hearing is attached at **Appendix 2**

1.5 Licence GUPLA0035 was reviewed by Surrey Police in 2013, at which time the Sub-Committee revoked the premises licence. A record of this hearing is attached at **Appendix 3**. The premises licence holder appealed this decision to the Magistrates' Court who dismissed the appeal on 12 May 2014.

1.6 The applicant for this licence has bought the business since the revocation of licence GUPL0035 and was not the licence holder or manager of the premises when the licence was previously reviewed.

1.7 Since the revocation of licence GUPL0035 by the Sub-Committee in 2013, the late night bar adjacent to the premises has resumed trading. This premises was not trading when licence GUPL0035 was reviewed in 2012 or 2013.

2. APPLICATION

2.1 The applicant states the application is for a take away kebab shop. The application form, a copy of which is attached as **Appendix 4**, gives the following information in relation to the application

2.2 Licensable activities:

- Provision of late night refreshment

2.3 Proposed hours:

The table below shows the licensable activities and requested hours: as shown in the application form

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
(1) Provision of late night refreshment							
Indoors	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 01:00
Times premises are open to public							
	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 01:00

2.4 Promotion of the four licensing objectives

In relation to the licence application, the applicant has listed the following steps to promote the four licensing objectives. Should the licence be granted, these will need to be converted to appropriate, proportionate and enforceable conditions.

1. Notices will be placed in the shop to be quiet when leaving the shop and place waste in the bins provided.
2. Joining Experience Guildford
3. Maintaining the CCTV on site
4. CCTV has been installed in the premises and will be recorded to give as evidence to police if needed.
5. No drunk customers will be served.
6. Waste bins will be provided
7. Staff will be trained to deal with customers safely and orderly.
8. Staff area is closed off and no customers can pass into the staff area/kitchen.

2.5 Consultation period and advertisement of the application

The application was accepted as valid on 2 February 2015, with the consultation period running from 3 February 2015 to 2 March 2015. The applicant failed to advertise the application in a newspaper within 10 working days, as required by the regulations, which led to the extension of the consultation period until 13 March 2015. The application was advertised by means of a notice at the premises throughout the extended consultation period.

3. RELEVANT REPRESENTATIONS RECEIVED DURING CONSULTATION PERIOD

(i) Representations from Responsible Authorities

- (a) Environmental Health (Pollution control):** One representation on the grounds of prevention of public nuisance received 12 February 2015. A copy of this representation is attached as **Appendix 5**.
- (b) Surrey Police:** One representation on the grounds of prevention of crime and disorder received 20 February 2015. A copy of this representation is attached as **Appendix 6**. This representation refers to flyers being distributed by the applicant advertising a delivery service. The applicant has indicated during the consultation period that they wish to offer a delivery service. This would require an amendment to the application for the provision of late night refreshment both indoors and outdoors.

(ii) Representations from other persons

No relevant representations were received from other persons.

4. LICENSING POLICY

The following sections of the Council's Licensing Policy are relevant:

- Section 5: (Fundamental Principles)
- Section 9: Paragraphs 9.1 – 9.8 (Prevention of Crime & Disorder)
- Section 11: Paragraphs 11.1 – 11.6 (Prevention of Nuisance)
- Section 13: Paragraphs 13.1 – 13.4 (Licensing hours)

5. NATIONAL GUIDANCE

The following sections of the Guidance issued in October 2014 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraphs 2.1-2.7 – Crime and disorder
- Paragraphs 2.18-2.24 – Public nuisance
- Paragraphs 9.30-9.40 – Hearings
- Paragraphs 9.41-9.43 – Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraphs 10.1-10.69 – Conditions

6. MANDATORY CONDITIONS

—If granted, the following mandatory condition will be attached to the licence, if the Sub-Committee consider it appropriate to impose a condition requiring the applicant to provide door supervisors:

Door supervision

Where at specified times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licensed by the 'Security Industry Authority (SIA)

7. RECOMMENDATION:

- (I) The Sub-Committee are requested to consider the application for the grant of a premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 18(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions.
- (III) Having regard to the relevant representations made during the consultation period, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
 - To impose additional conditions on the licence which are appropriate for the promotion of the licensing objectives, proportionate and which deal with the concerns of those making representations;
 - To exclude any of the licensable activities from the scope of the licence; or
 - To reject the application.

Originator:

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