



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

THURSDAY 20TH NOVEMBER 2014
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors C. J. Spencer, M. T. Buxton and H. J. Jones
(Reserve Member) S. J. Dudley

AGENDA

LICENSING SUB-COMMITTEE HEARING PROCEDURE (Pages 1 - 4)

1. Appointment of Chairman for the meeting
2. To receive apologies for absence and notification of substitutes
3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
4. Application to vary a premises Licence in respect of Mamaris Kebab / Istanbul, 33-35 Worcester Road, Bromsgrove, B61 7DN (Pages 5 - 34)
5. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph</u>	
6	1	"

LICENSING SUB-COMMITTEE HEARING PROCEDURES- PERSONAL LICENCE APPLICATION

(Pages 35 - 36)

6. Licensing Act 2003 - Application for a Personal Licence (Pages 37 - 48)
7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

10th November 2014



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council’s Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

at www.bromsgrove.gov.uk

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Appendix

LICENSING SUB-COMMITTEE (Premises)

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask parties to the proceedings to introduce themselves.
3. In the event the Applicant is not represented, the Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Licensing Officer, Worcestershire Regulatory Services will present the report.
5. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Licensing Officer.
6. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
7. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Applicant and/or his/her representative.
8. The Chairman will invite the Responsible Authorities to present their representations. New representations must not be raised. The Responsible Authorities will be allowed a total of 10 minutes to present their case(s). If two or more Responsible Authorities wish to address the Sub-Committee the 10 minutes will be divided between them.
9. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Responsible Authorities.
10. All other Parties to the proceedings will be invited to present their representations or elect a spokesperson to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Parties to present their case(s). If two or more Parties wish to address the Sub-Committee the 10 minutes will be divided between them.

Appendix

11. **The Chairman will invite Members of the Sub-Committee, the applicant / applicant's representative and the Responsible Authorities to put any relevant questions to the other Parties**
12. **The other Parties will be invited to sum up. A maximum of 5 minutes will be allowed.**
13. **The Responsible Authorities will be invited to sum up. A maximum of 5 minutes will be allowed.**
14. **The Applicant and/or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.**
15. **The Chairman will ask the Legal Advisor if there is any legal advice to be given.**
16. **At the conclusion of the hearing Members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private.**
17. **Once the Sub-Committee has reached its decision, all parties will return and the meeting will reconvene. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
18. **The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

Please Note:

1. ***Each application coming before the Licensing Sub-Committee will be treated on its own merits, and the Sub-Committee will take its decision based upon:***
 - a) ***the promotion of the four licensing objectives, as given by the Licensing Act 2003, namely:***
 - ***the prevention of crime and disorder;***
 - ***public safety;***
 - ***the prevention of public nuisance; and***
 - ***the protection of children from harm;***
 -
 - b) ***Bromsgrove District Council's Statement of Licensing Policy;***
 - c) ***guidance issued under section 182 of the Licensing Act 2003; and***
 - d) ***the Licensing Act 2003.***
2. ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
3. ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days.***
7. ***An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.***

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Licensing Sub-Committee

Date: 20th November 2014

APPLICATION FOR A PREMISE LICENCE UNDER THE LICENSING ACT 2003

Relevant Portfolio Holder	Councillor Rita Dent
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.
Wards Affected	St Johns Ward
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider a variation application for a Premise licence for Mamaris Kebab/Istanbul, 33-35 Worcester Road, Bromsgrove, B61 7DN. This application is brought before the Licensing Sub-Committee following receipt of relevant objections.

2. RECOMMENDATIONS

2.1 The Sub-Committee is asked to RESOLVE

whether or not, having regard to the licensing objectives, the Guidance issued under section 182 of the Licensing Act 2003, the District Council’s Statement of Licensing Policy, the applicant’s proposed Operating Schedule and relevant representations made by responsible authorities;

- 1) **To grant or refuse the application, as shown in the application form attached at Appendix 1 to the report.**
- 2) **If the Licensing Sub-Committee is minded to approve the application;**
 - a) **to attach relevant Mandatory Conditions; and**
 - b) **to consider, with due regard to the statutory licensing objectives and the relevant representation received, whether to attach any appropriate conditions.**

3. KEY ISSUES

Financial Implications

- 3.1 The Statutory Fee of £190.00 has been paid, and the application has been duly advertised in accordance to the requirements of the Licensing Act 2003.

Licensing Sub-Committee

Date: 20th November 2014

Legal Implications

- 3.2 The Sub-Committee should have regard to any National Guidance set down under S182 of the Licensing Act 2003 and Bromsgrove District Council's Statement of Licensing Policy.
- 3.3 The Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm.
- 3.4 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 3.5 The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- (a) Grant the application as asked
 - (b) Modify or impose conditions on the licence, by altering or omitting or adding to them.
 - (c) Reject the application.
- 3.6 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 3.7 The Human Rights Act 1998 incorporates human rights under the European Convention into English law. Article 6 provides that, in the determination of a person's civil rights, everyone is entitled to a fair and public hearing. In this respect, third parties whose property rights may be adversely affected and, of course, applicants themselves, should be allowed to address the Committee if they want to.

Service/Operational Implications

- 3.8 An application for a variation of the Premises Licence for Mamaris Kebab/Istanbul, 33-35 Worcester Road, Bromsgrove, B61 7DN, made by Mr Fada Rashid was received by Bromsgrove District Council on the 26th September 2014. The variation seeks to extend Late Night refreshment:

Thursday to Saturday 23:00 – 04:00
Sunday 23:00 – 01:00

The variation application is attached as **Appendix 1**.

Licensing Sub-Committee

Date: 20th November 2014

- 3.9 The premise currently holds a Premise Licence under the Licensing Act 2003 to provide Late Night Refreshment:
Monday to Wednesday 23:00 – 01:00
Thursday to Saturday 23:00 – 03:00
Sunday 23:00 – 00:00

The existing Premise Licence is attached as **Appendix 2**.

- 3.10 The Licensing Authority has received 1 relevant representation objecting to the application, made by West Mercia Police. A copy of the representation from the Police is attached as **Appendix 3**.
- 3.11 Inspector Sarah Corteen of West Mercia Police has been invited to attend the committee.
- 3.12 The representation received relates to the following licensing objectives.
- * The Prevention of Crime and Disorder
 - * The Prevention of Public Nuisance
- 3.13 No objections have been received from any of the members of the Public
- 3.14 A Plan of the location of the premise is attached as **Appendix 4**.

Customer / Equalities and Diversity Implications

- 3.15 None

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 Application Form
Appendix 2 Existing Premise Licence
Appendix 3 Objection from Police
Appendix 4 Location Plan of Premise

6. BACKGROUND PAPERS

Licensing Act 2003
Guidance under S182 of the Licensing Act 2003
Statement of Licensing Policy

Licensing Sub-Committee

Date: 20th November 2014

AUTHOR OF REPORT

Name: Sayful Alom – Licensing Officer
E Mail: sayful.alom@worcsregservices.gov.uk
Tel: (01905) 822799

[Insert name and address of relevant licensing authority and its reference number (optional).]

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We FADA RASHID

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number <u>14/01122/PREML1</u>
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

33-35 WORCESTER ROAD
BROMSGROVE

Post town	<u>BROMSGROVE</u>	Postcode	<u>B61 7DN</u>
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Telephone number at premises (if any)	<u>01527 578940</u>
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Non-domestic rateable value of premises	£
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Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

VARIATION OF OPENING TIMES:

THE PREMISES ARE LICENSED FOR THE FOLLOWING OPERATING HOURS FOR LATE NIGHT REFRESHMENT:

MONDAY TO WEDNESDAY : 23:00 hrs to 01:00 hrs

THURSDAY TO SATURDAY : 23:00 hrs to 03:00 hrs

SUNDAY : 23:00 hrs to 00:00 hrs.

VARIATION OF THE OPERATING TIMES FOR LATE REFRESHMENT REQUIRED AS FOLLOWS:

THURSDAY TO SATURDAY: 23:00 hrs to 04:00 hrs

SUNDAY : 23:00 hrs to 01:00 hrs

THE VARIATION APPLICATION WILL NOT AFFECT THE PREMISES CURRENTLY LICENSED FOR MONDAY TO WEDNESDAY.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>			
Mon						
Tue			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>			
Fri						
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish			
			Outdoors	<input type="checkbox"/>	
			Both	<input type="checkbox"/>	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<p><u>Please give further details here</u> (please read guidance note 3)</p> <hr/> <p><u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)</p> <hr/> <p><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue				Both	<input type="checkbox"/>
Wed				<u>Please give further details here</u> (please read guidance note 3)	
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

Agenda Item 4

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish	Outdoors	<input type="checkbox"/>	
			Both	<input type="checkbox"/>	
Mon	23:00	01:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	04:00			
Fri	23:00	04:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	04:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)</p> <p><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	01:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Tue	12:00	01:00	
Wed	12:00	01:00	
Thur	12:00	03:00	
Fri	12:00	03:00	
Sat	12:00	03:00	
Sun	12:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Agenda Item 4

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick as appropriate

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

- 1) CCTV
- 2) TRAINED STAFF
- 3) DOOR STAFF
- 4) WARNING SIGNAGE
- 5) LIASING WITH OTHER LICENSEES AND PUBLIC BODIES

b) The prevention of crime and disorder

- 1) CCTV & CAMERAS INSIDE AND OUT: COLOURED IMAGES 28 DAYS RETENTION POLICY
- 2) DOOR STAFF SIA REGISTERED 1 PERSON FROM 23:00 UNTIL CLOSE.
- 3) ALARMS FULLY OPERATIONAL

c) Public safety

- 1) HEALTH AND SAFETY TRAINING
- 2) REFUSALS REGISTER, ROUTINELY UPDATED

d) The prevention of public nuisance

- 1) NOTICES WARNING CUSTOMERS TO LEAVE QUIETLY
- 2) 1 BIN INSIDE, 1 BIN OUTSIDE REGULARLY MONITORED LITTER OUTSIDE PREMISES AND WILL ENSURE RUBBISH IS COLLECTED.

e) The protection of children from harm

Agenda Item 4

Checklist:

- Please tick to indicate agreement
- I have made or enclosed payment of the fee.
 - I have sent copies of this application and the plan to responsible authorities and others where applicable.
 - I understand that I must now advertise my application.
 - I have enclosed the premises licence or relevant part of it or explanation.
 - I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	25/09/14
Capacity	OWNER.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



Bromsgro
District Council
www.bromsgrove.gov.uk

**Licensing Act 2003
Premises Licence**

Premises Licence Number

14/01122/PREMLI

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Marmaris Kebab
33 - 35 Worcester Road
Bromsgrove
Worcestershire
B61 7DN

Telephone number

Where the licence is time limited, the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Activity	Days	From	To	Indoors/Outdoors
Late Night Refreshment	Monday	23:00	- 01:00	Indoors
Late Night Refreshment	Tuesday	23:00	- 01:00	Indoors
Late Night Refreshment	Wednesday	23:00	- 01:00	Indoors
Late Night Refreshment	Thursday	23:00	- 03:00	Indoors
Late Night Refreshment	Friday	23:00	- 03:00	Indoors
Late Night Refreshment	Saturday	23:00	- 03:00	Indoors
Late Night Refreshment	Sunday	23:00	- 00:00	Indoors

Non-standard timings

Agenda Item 4

The opening hours of the premises

Days	From		To
Monday	12:00	-	01:00
Tuesday	12:00	-	01:00
Wednesday	12:00	-	01:00
Thursday	12:00	-	03:00
Friday	12:00	-	03:00
Saturday	12:00	-	03:00
Sunday	12:00	-	00:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Fada Rashid

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

AUTHORISED OFFICER

Licensing and Support Services Manager
Worcestershire Regulatory Services
On behalf of Bromsgrove District Council

Date of first issue: 1st April 2014

This version valid from: 1st April 2014

Issuing Authority: Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Annex 1 – Mandatory conditions

Security activity

Where individuals are at the premises to carry out a security activity, as defined by the Private Security Industry Act 2001, each such individual must be authorised to carry out that activity by a licence granted under that Act or be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 – Conditions consistent with the Operating Schedule

a) General – all four licensing objectives (b,c,d,e):

1. CCTV
2. Trained Staff
3. Door Staff
4. Warning Signage
5. Liaising with other licencees and public bodies

b) The prevention of crime and disorder:

1. CCTV 2 cameras inside and out coloured images 28 day retention policy
2. Door Staff SIA registered 1 person from 23.00 until close.
3. Alarms Fully operational

c) Public safety:

1. Health and Safety Training
2. Refusals register routinely updated

d) The prevention of public nuisance:

1. Notices warning customers to leave quietly
2. 1 bin inside 1 bin outside regularly monitored litter outside premises and will ensure rubbish is collected.

e) The protection of children from harm:

Other operating conditions

Annex 3 – Conditions attached after a hearing by the licensing authority

NONE

Annex 4 – Plans

See Attached

From: Dave Etheridge
Sent: 24 October 2014 11:55
To: Sayful Alom
Subject: FW: Variation of licence 33-35 Worcester Road, Bromsgrove

Dave Etheridge
Senior Licensing Practitioner

Email:

Web site: www.worcsregservices.gov.uk

Worcestershire Regulatory Services

PO Box 866, Worcester, WR1 9DP



Environmental Health, Trading Standards & Licensing

From: Corteen, Sarah [<mailto:sarah.corteen@westmercia.pnn.police.uk>]

Sent: 08 October 2014 10:47

To: Dave Etheridge

Cc:

Subject: FW: Variation of licence 33-35 Worcester Road, Bromsgrove

Hi Dave,

I am making representations about a variation in licence for 33-35 Worcester Road, Bromsgrove.

I have real concerns about having a Late Night eating establishment open in Bromsgrove until after the Club has closed. Local knowledge and engagement with the Taxi Association have proved that the Taxis will not work this late. The premises is already in a residential area and we regularly get complaints about the NTE from local residents when they are trying to sleep specifically, Hill Lane a large proportion of which are elderly, we have also had complaints from Worcester Road and Ednall Lane. This issue is regularly a PACT priority and is against one of the licensing principles.

We have also had some recent incidents of violence and disorder relating to the Night -Time Economy in Bromsgrove which has left a number of licensees feeling vulnerable. I would not like to be seen as supporting a variation to a licence that might exacerbate any existing issues.

Kind regards

Sarah

Inspector Sarah Corteen
Bromsgrove Safer Neighbourhood Team
Bromsgrove Police Station
sarah.corteen@westmercia.pnn.police.uk

From: Dave Etheridge
Sent: 30 September 2014 10:14
To: Corteen,Sarah
Cc: Sayful Alom
Subject: RE: Variation of licence 33-35 Worcester Road, Bromsgrove

Sarah,

Thanks for sending us your observations on the application. We have noted your concerns.

The application does appear to contain some typographical errors, but we have interpreted this an application to allow them to be open to the public and providing late night refreshment from until 4am on Thursdays, Fridays and Saturdays and until 1am on other days of the week. We will be asking them to provide an amended copy of the page of the application containing box L as they can hardly provide late night refreshment until 4am if the premises. are closed to the public from 3am.

If you want to make a formal representation objecting to the application, we will need a more detailed submission from you that sets out what effect the Police believe that granting the variation application would have on the promotion of the licensing objectives.

The closing date for receipt representations is the **24th October 2014**.

Thanks

Dave Etheridge
Senior Licensing Practitioner

Email: d.etheridge@worcsregservices.gov.uk
Web site: www.worcsregservices.gov.uk
Worcestershire Regulatory Services
PO Box 866, Worcester, WR1 9DP

**Worcestershire
Regulatory Services**

Supporting and protecting you

Environmental Health, Trading Standards & Licensing

From: Corteen,Sarah [<mailto:sarah.corteen@westmercia.pnn.police.uk>]
Sent: 30 September 2014 09:57
To: Dave Etheridge
Subject: Variation of licence 33-35 Worcester Road, Bromsgrove

Hi David,

Agenda Item 4

My observations on this application are as follows

1) box not ticked for part 4

2) Box I states 2300 x 0400 on Thursday Friday and Saturday. Why 0400 Thursday as nothing is really open then, I know the the club has just started a Rock night on a Thursday but only about 100 people attend and it is not open until 0400.

3) Can you please clarify box L states hours open to the public is until 0300 on Thursday Friday and Saturday but this differs to box I. Does this mean he will only be open to the public until 0300 and will be clearing up with the door locked and closed between 0300 and 0400.

4) I do have real concerns about having a Late Night eating establishment open until after the Club has closed. Local knowledge and engagement with the Taxi Association have proved that the Taxis will not work this late. The premises is already in a residential area and we regularly get complaints about the NTE from local residents when they are trying to sleep specifically, Hill Lane a large proportion of which are elderly, we have also had complaints from Worcester Road and Ednall Lane. This issue is regularly a PACT priority and is against one of the licensing principles.

Kind regards

Sarah

Inspector Sarah Corteen
Bromsgrove Safer Neighbourhood Team
Bromsgrove Police Station
sarah.corteen@westmercia.pnn.police.uk

Appendix

LICENSING SUB-COMMITTEE (Personal Licence Application)

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask parties to the proceedings to introduce themselves.
3. In the event the Applicant is not represented, the Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Technical Officer (Licensing) will present the report.
5. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Technical Officer (Licensing).
6. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
7. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Applicant and/or his/her representative.
8. The Chairman will invite the Police to present their representations. New representations must not be raised. The Police will be allowed a total of 10 minutes to present their comments on the application.
9. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Police.
10. The Police will be invited to sum up. A maximum of 5 minutes will be allowed.
11. The Applicant and/or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.
12. The Chairman will ask the Legal Advisor if there is any legal advice to be given.

Appendix

13. At the conclusion of the hearing Members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private.
14. Once the Sub-Committee has reached its decision, all parties will return and the meeting will reconvene. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.
15. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.

Please Note:

1. ***Each application coming before the Licensing Sub-Committee will be treated on its own merits, and the Sub-Committee will take its decision based upon:***
 - a) ***Bromsgrove District Council's Statement of Licensing Policy;***
 - b) ***guidance issued under section 182 of the Licensing Act 2003;***
and
 - c) ***the Licensing Act 2003.***
2. ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
3. ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days.***
7. ***An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.***

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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