

**Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on 31 January 2019**

**RECORD OF PROCEEDINGS**

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| 1. Apologies for Absence    | There were no apologies for absence received.   |
| 2. Declarations of Interest | Councillor Joseph declared that she had been a customer at the Uk Kebab & Pizza premises, however this would not impact her participation on the item.  |
| 3. Application              | New Premises Licence  |
| 3.1 Application Reference   | 078412  |
| 3.2 Sub-Committee Members   | Councillor Ayres<br>Councillor Allen<br>Councillor Joseph   |
| 3.3 Officers                | Darren Dolby, Regulatory Officer<br>Colin Miles, Lawyer – Legal Advisor to the Sub-Committee<br>Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee  |
| 3.4 Applicant               | Mr Cemal Dogan - Uk Kebab & Pizza, 7 Ayres Drive, Peterborough, PE2 8JS   |
| 3.5 Nature of Application   | <p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <p><b>Sale of alcohol for consumption off the premises only</b></p> <ul style="list-style-type: none"> <li>● Monday to Sunday 1:00pm to midnight</li> </ul> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>● Monday to Sunday 11:00pm to midnight</li> </ul> <p><b>Opening hours of premises</b></p> <ul style="list-style-type: none"> <li>● Monday to Sunday 12:00 noon to midnight</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Uk Kebab &amp; Pizza, 7 Ayres Drive, Peterborough, PE2 8JS, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ol style="list-style-type: none"> <li>1. The application, if granted, would lead to an increase in noise</li> </ol> |

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|     | <p>disturbance in the area ;</p> <p>2. The application, if granted, would lead to an increase in litter in the area.</p>   |
| 3.6 | <p>Licensing Objective(s) under which representations were made</p> <p>1. The Prevention of Public Nuisance</p>  |
| 3.7 | <p>Parties/Representatives and witnesses present</p> <p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>The applicant Cemal Dogan and his representative Duncan Craig, who were present.</p>   |
| 3.8 | <p>Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p> <p>There were no pre-hearing considerations.</p>  |
| 3.9 | <p>Oral representations</p> <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his address included the representation submitted against the application by local residents.</p> <p>The Regulatory Officer also provided clarification over previous applications and neighbouring premises licences within the area:</p> <ul style="list-style-type: none"> <li>● Stanground Food and Wine, 5 Ayres Drive, Stanground, Peterborough PE2 8JS, held a premises licence to sell alcohol from 8:00am to 9:00pm Monday to Sunday.</li> <li>● A premises licence application for the UK Kebab and Pizza had been previously refused in 2006 and 2009. The application had been for sale of late night refreshment, however not for the combined sale of alcohol and late night refreshment.</li> </ul> <p><b><u>Applicant/Representative</u></b></p> <p>Applicant and his representative addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>● The Applicant had operated his premises since 2004, and in that time had made two applications for the sale of late night refreshments.</li> <li>● The new application was for two elements of the premises licence, the sale of alcohol and an extension to sell hot refreshments after 11pm.</li> <li>● The application being made had been to extend the hours of hot food sales in order to make his business more successful.</li> <li>● Paragraph 7 to 7.4 of the report had outlined all the enforceable conditions within the premises operating schedule.</li> <li>● The applicant had included a number of appropriate steps to in order to meet all of the objections and concerns raised, such as Designated Premises Supervisor (DPS) or a trained member of staff on duty at all times, Closed Circuit Television system (CCTV), challenge 25, an</li> </ul> |

incident log, and certain conditions in regards to the delivery of alcohol.

- There was a condition within 7.1 of the report in respect of neighbouring residents and in regards to customers not creating noise and litter. In addition, there was a further condition about the front of the UK Kebab and Pizza premises to be clear at all times. The condition was expected to address the concerns raised by the neighbouring.
- There had been a no deliveries condition proposed for between 7:00am and 10:00pm, in order to also address any noise disturbance concerns.
- All conditions proposed had met the standards within section 182 of the Licensing guidance and Peterborough City Council's Licensing Policy.
- There was a single objection to the premises licence from a local resident in respect of public nuisance, however, no other residents had raised any objections.
- The applicant would have been in a position to challenge the objection made by the local resident, however, the objector was not in attendance at the hearing.
- The applicant was keen to maintain a good relationship with all his neighbours. He had operated in the area successfully for the past 15 years.
- It was not anticipated that there would be a large footfall of customers to the premises.
- The refusal of previous premises licence applications had no relevance to the current application.
- It was felt that the Stanground Food and Wine premises at 5 Ayres drive had applied for a 9:00pm alcohol licence for reasons only known to themselves.
- There had been no objection received from responsible authorities regarding the premises licence application for UK Kebab and Pizza.
- The licensing guidance stated at paragraph 9.43 that the Sub-Committee's decision should be proportionate in respect of the evidence provided.
- The area of Stanground was very quiet around 11:00pm and it was anticipated that there would be more of a demand for delivery, hence very little customers expected in the shop.
- There were a number of steps within the operating schedule aimed to deal with public nuisance, which included a phone number for local residents to call and express any concerns they had.
- It would be more important for the applicant to sell late night refreshment up to midnight than to sell alcohol until midnight.
- To restrict the sale of hot refreshments to 11:00pm would have a detrimental impact in terms for the deliveries side of the business as the food would need to be delivered to the customer by 11pm, whereas alcohol was applicable from the point of sale.
- The client had undertaken the expense of applying for the licence. It would be of benefit to his business to increase his profit which in turn would increase his HMRC contributions.
- The applicant had an extensive operation schedule, which would mitigate any issues that may arise in respect of noise. There had been no evidence to suggest that cars would be parked outside the UK Kebab and Pizza premises, with people drinking alcohol or causing a disturbance. On another the other hand, if the application was not granted there would be nothing to stop nuisance behaviour within the parking spaces outside of the UK Kebab and Pizza

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|  | Premises.  |
| 3.10 Written representations and supplementary material taken into consideration | <p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from one local resident.</p>   |
| 3.11 Facts/Issues in dispute   | <p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p>  |
| 4. Decision  | <p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>The Sub-Committee considered the representations made in writing from Mr Brown, Local resident.</p> <p>The Sub-Committee considered the representation made in objection as follows:</p> <ul style="list-style-type: none"> <li>● The application, if granted, would lead to an increase in noise disturbance in the area ; and</li> <li>● The application, if granted, would lead to an increase in litter in the area.</li> </ul> <p>The Sub-Committee were referred to the Statement of Licensing Policy and the Government Guidance. The Sub-Committee were advised that there was a presumption to grant such an application unless the operating schedule had not addressed the concerns of those who made representations, and had not promoted one or more of the licensing objectives.</p> <p>The Sub-Committee granted the licence subject to the operating schedule however, the sale for alcohol would cease at 11:00pm and there would be no sale of late night refreshment.</p> <p>The Sub Committee felt that:</p> <p>The sale of hot food after 11:00pm and the premises selling of alcohol after this time would be detrimental to the amenity of the person who made the representation as it would increase the levels of noise later at night.</p> <p>The Sub-Committee, therefore <b>GRANTED</b> the licence for the premises, known as UK Kebab &amp; Pizza, 7 Ayres Drive, Peterborough, PE2 8JS, subject the Sub-Committee's amendments outlined in the decision.</p> <p>Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.</p> |

Chairman  
Start 1:30pm – End 2:38pm