



Democratic Services

16 August 2013

Town Hall
Chapel Road
Worthing
BN11 1HA

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Dear Councillor

Licensing and Control Sub Committee - B

A meeting of the Licensing and Control Sub Committee - B will be held on **Wednesday 28 August 2013 at 10.00am** in the Council Chamber to consider the business set out in the following Agenda.

Yours sincerely

Executive Head of Corporate and Cultural Services

LICENSING AND CONTROL SUB COMMITTEE - B

Councillors Christine Brown (Chairman), David Chapman and Val Turner

*This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Councillor being unable to attend, their place will be taken by another Councillor taken from the membership of the full Licensing and Control Committee - B. In the event of this happening all parties will be informed of the change of membership at the beginning of the meeting.

AGENDA

1. **Welcome**

2. **Apologies and Reconstitution of Membership (if appropriate)**

To note any apologies for absence and resulting reconstitution of the membership of the Sub Committee, if appropriate.

3. **Declarations of Interest**

Members and Officers are invited to make any declarations of disclosable pecuniary interests that they may have in relation to any items on this Agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and Officers may seek advice upon any relevant interest from a Legal or Democratic Services Officer prior to the meeting.

4. **Licensing Act 2003 – Application for a new Premises Licence**

Venue: Worthing Kebab & Burger Van, Downland Business Park,
Lyons Way, Worthing

Ward

Offington

Please note that the Procedure to be followed by the Sub Committee will be circulated at the start of the meeting.

**Licensing Act 2003 – Application for a new Premises Licence for:
Worthing Kebab & Burger Van
Downland Business Park, Lyons Way, Worthing**

Report by the Executive Head of Housing, Health & Community Safety

1. Recommendation

- 1.1 That a Sub-Committee of Licensing & Control Committee “B” consider and determine an application made by :
Seyma Tekinerdogan & Memet Tekinerdogan
for a new Premises Licence to authorise the sale of late night refreshment from a mobile catering van that it is proposed to locate in Lyons Way.

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by a Responsible Authority and members of the public and it therefore falls to members to determine.

3. Background

- 3.1 Lyons Way is situated in a commercial district known as the ‘Downland Business Park’. This is a large industrial-retail park on the north-east outskirts of the borough. It contains a number of large commercial units with parking facilities operated by, among others, B & Q, Halfords and Sainsbury’s. Also within the park is a petrol station opening 06.30hrs to 23.00hrs each day and Worthing United FC has its home ground there. Lyons Way runs through the business park up to the gates of ‘Tenant’s Hill Farm’ but from this point is no public through road. Lyons Way is effectively a ‘dead-end’. To the north of the park is farm land and the nearest residential properties are to the south situated the other side of the A23 and in Upper Brighton Road approx 130 meters away. The nearest premise licensed for the sale of alcohol for consumption on the premise is ‘The Downlands’ public house situated to the west approx. 200 meters away.
- 3.2 Street trading is controlled under provisions of the Local Government (Misc. Prov.) Act 1982. Worthing Borough Council has adopted powers under the act to regulate street trading. However, the council has not put these controls in place on its

industrial estates. Consequently, no permit is required to trade in the street in the vicinity of Lyons Way.

- 3.3 Currently there is a catering van that operates in the day from this site selling hot food in the form of bacon sandwiches, burgers etc. Officers are not aware of any complaints regarding the current trader. The applicants are not proposing to compete directly with the current trader but to trade later in the day.
- 3.4 Miss Tekinerdogan and Mr Tekinerdogan can site their mobile catering van in Lyons Way without a permit or licence and sell hot food legally between 05.00hrs and 23.00hrs each day. A premises licence is only being sought to allow this business to continue to trade later, into the following morning, on a Friday & Saturday nights.
- 3.5 Selling hot food & drink between 23.00hrs and 05.00hrs is a licensable activity requiring the authority of a premises licence. In the case of a mobile unit conducting such activity the premises licence relates to the piece of land on which the licence holder is proposing to trade from.
- 3.6 An application was made by Miss Tekinerdogan and Mr Tekinerdogan to Worthing Borough Council on the 28 May for a new Premises Licence for a mobile catering van to be situated in Lyons Way.
- 3.7 Failure to publish the advertisement relating to this application in the legal section of a local newspaper in the prescribed timescale extended the consultation period and delayed this application being processed. The required advertisement was properly published on 5 July 2013.
- 3.8 A plan of the area is attached (Appendix A)
- 3.9 A photograph of the proposed catering van is attached. (Appendix B)
- 3.10 The application is for authorisation for the sale of late night refreshment for consumption off the premises. (Appendix C)
- 3.11 Copies of the letters of representation received from members of the public. (Appendix D1-10)
- 3.12 A copy of the relevant representation received from the responsible authority, Sussex Police. (Appendix E)
- 3.13 A copy of the applicant's acceptance of all the conditions suggested by Sussex Police. (Appendix F)

4. **The Application**

- 4.1 The Application is attached at **Appendix C**. However, in summary, Miss Tekinerdogan and Mr Tekinerdogan are applying for:

i) Authorisation for the sale of late night refreshment for consumption off the premises between the hours of:
23.00hrs and 02.00hrs, of the following morning Friday & Saturday

ii) The proposed opening hours of the business to be:
17.00hrs to 23.00hrs Sunday to Thursday
17.00hrs to 02.00hrs, of the following morning, Friday & Saturday.

4.2 As recommended by the Guidance issued under section 182 of the Licensing Act 2003 the applicants have completed an operating schedule as to how they intend to address the Licensing Objectives if this application were granted.

5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of Crime & Disorder

4.2 *The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over all licensed premises.*

4.3 *In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information available and relevant representations made, including those from interested parties and the responsible authorities, particularly the Police.*

4.4 *In their role as a responsible authority, Sussex Police are an essential source of advice and information on the impact and potential impact of licensable activities in the borough, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and usually have good working*

relationships with those operating in the local area. The council recognises that Sussex Police are the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The Council will accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

- 4.5 *Licensed premises, especially those offering late entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. The Council will expect Operating Schedules submitted with applications to satisfactorily address these issues, from the design of the premises through to the daily operation of the business, including, where appropriate, the policy and arrangements proposed in respect of the prevention of both alcohol and drug misuse.*
- 4.6 *Applicants will be expected to identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective in their particular case. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.*
- 4.8 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in paragraph 4.2, under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.*
- 4.9 *The Council recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.*

Prevention of Public Nuisance

- 4.17 *Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of disturbances impacting upon people living, working or sleeping in the vicinity of the premises or wider afield.*
- 4.18 *Noise disturbance can arise from entertainment or activities held within licensed premises and also from people or motor vehicles outside licensed premises. The Council will expect Operating Schedules to address these issues. Advice and guidance can be obtained from Licensing Officers or the Council's Environmental Protection Team. If representations are received the Council may utilise appropriate conditions to control noise disturbance and the use of such conditions will depend upon the activities/entertainment/hours of operation proposed; the nature of the locality; and existing background noise levels and ambient noise levels. Noise*

control conditions may include the satisfactory sound insulation of licensed premises; compliance with maximum noise levels; and limiting hours of operation.

- 4.19 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type/construction of their premises, proposed activities and nature of locality) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.*
- 4.20 Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.*
- 4.21 Other matters that may give rise to nuisance are cooking odours, light pollution, waste collection and early morning/late night deliveries. The minimisation or prevention of such nuisance should also be addressed in the Operating Schedule if appropriate.*

Late Night Refreshment – Cafes & Takeaways

- 7.13 Fast food premises which are open after 23.00hrs can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are consequently more likely to be involved in anti-social behaviour.*
- 7.14 Sussex Police have in the past raised concerns about the levels of crime & disorder that can occur outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Fast food premises have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste and litter on pavements, to an extent that amounts to a public nuisance.*
- 7.15 In addition, where there are fast food premises in the vicinity of public houses and nightclubs the rapid dispersal of people leaving these venues is significantly hindered. This delay in dispersal causes the potential for the licensing objectives to be compromised.*
- 7.16 Where the police or others make representations against the grant or variation of a licence for late night refreshment regarding a premise in the vicinity of alcohol licensed premises because of serious concerns over dispersal problems the council will want to be assured that the Operating Schedule of the premise, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Applications for extended hours may be refused in such circumstances where relevant representations on problems of late night disorder in an area are expressed. Alternatively the licence may be conditioned to include measures to address any concerns. Such as the provision of SIA door supervisors for example.*

7.17 *Each application will be considered on its merits, but the Council will generally refuse to grant licences to late night fast food vans/trailers that encourage persons to congregate and remain within the locality of licensed premises after they close due to the potential for the licensing objectives regarding the Prevention of Public Nuisance or of Crime & Disorder to be compromised.*

6. Consultation

6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which relevant representations were received from the following:

Responsible Authorities – Sussex Police
Other Persons – 10 letters of objection

7. Relevant Representations

7.1 Details of the relevant representations received are reproduced at **Appendices D & E**. They are considered to relate to the statutory licensing objectives as follows:

Prevention of Crime & Disorder.

Prevention of Public Nuisance

7.2 Those making relevant representation have been invited to attend the Sub-Committee.

8. Mediation

8.1 Sussex Police, in their representation, suggested the following conditions for the committee's consideration:

- *Induction training of staff must be completed, and fully documented regarding conflict management and issues that may arise due to operating during the night time economy.*
- *All staff members employed at the premise must have emergency contact numbers for the Premises Licence Holder or delegated responsible person readily available while operating under the premises licence.*
- *An incident register will be kept on the premises to record all incidents of crime or disorder. These records will be made available to the authorised members of the Local Licensing Authority and/or the Police upon request.*
- *CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. It will be the*

responsibility of the licence holder, or duty manager, to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible in compliance with data protection legislation.

- *All beverages will be provided in containers constructed of paper, plastic etc. or toughened glass. Containers constructed of breakable glass shall not be used.*

8.2 As a result of mediation the applicants have volunteered all the above conditions to their operating schedule and these, together with those detailed in the application, will become enforceable conditions of licence if members are of a mind to grant a licence. As a result it is confirmed that Sussex Police have withdrawn their representation. (**Appendix F**)

8.3 Due to the number and nature of the letters of objection from members of the public mediation between the applicant and these individuals was deemed impractical.

9. Consideration

9.1 Members must take into consideration the following when determining this application:

- The four statutory licensing objectives
- Worthing Borough Council's Statement of Licensing Policy
- Guidance issued by the Home Secretary
- The relevant representations.
- Amendments made to the application as a result of mediation.

9.2 These are the only matters to be addressed by the authority when considering this application. The statutory Licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.

9.3 When considering this application for a premises licence the following options are available to the Sub-Committee:

- a. Grant the licence, as requested,
- b. Grant the licence, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
- c. Reject the whole or part of the application.

9.4 Members are required to give reasons for their decision.

10. Legal Implications

10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for a premises licence includes:

- (1) The applicant may appeal against any decision to modify the conditions of the licence.
- (2) The applicant may appeal against a rejection in whole or part of an application.
- (3) A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.

- 10.2 Members are reminded that the Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police, or the fire authority, or any other person, such as a resident living in the vicinity of the premises. The Government's guidance states: *"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch bureaucracy to the grant and variation of premises licences by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises."*
- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

11. Other Implications

- 11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account.

12. Recommendation

- 12.1 Members are requested to determine the application for a new Premises Licence made by Miss Seyma Tekinerdogan & Mr Memet Tekinerdogan for their proposed new catering business called 'Worthing Kebab & Burger Van' to allow late night refreshment from a site in Downland Business Park, Lyons Way, Worthing and give reasons for that determination.

Paul Spedding
Executive Head of Housing, Health and Community Safety

Principal Author and Contact Officer:

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or simon.jones@adur-worthing.gov.uk

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003
- Worthing Borough Council's Statement of Licensing Policy

Appendices:

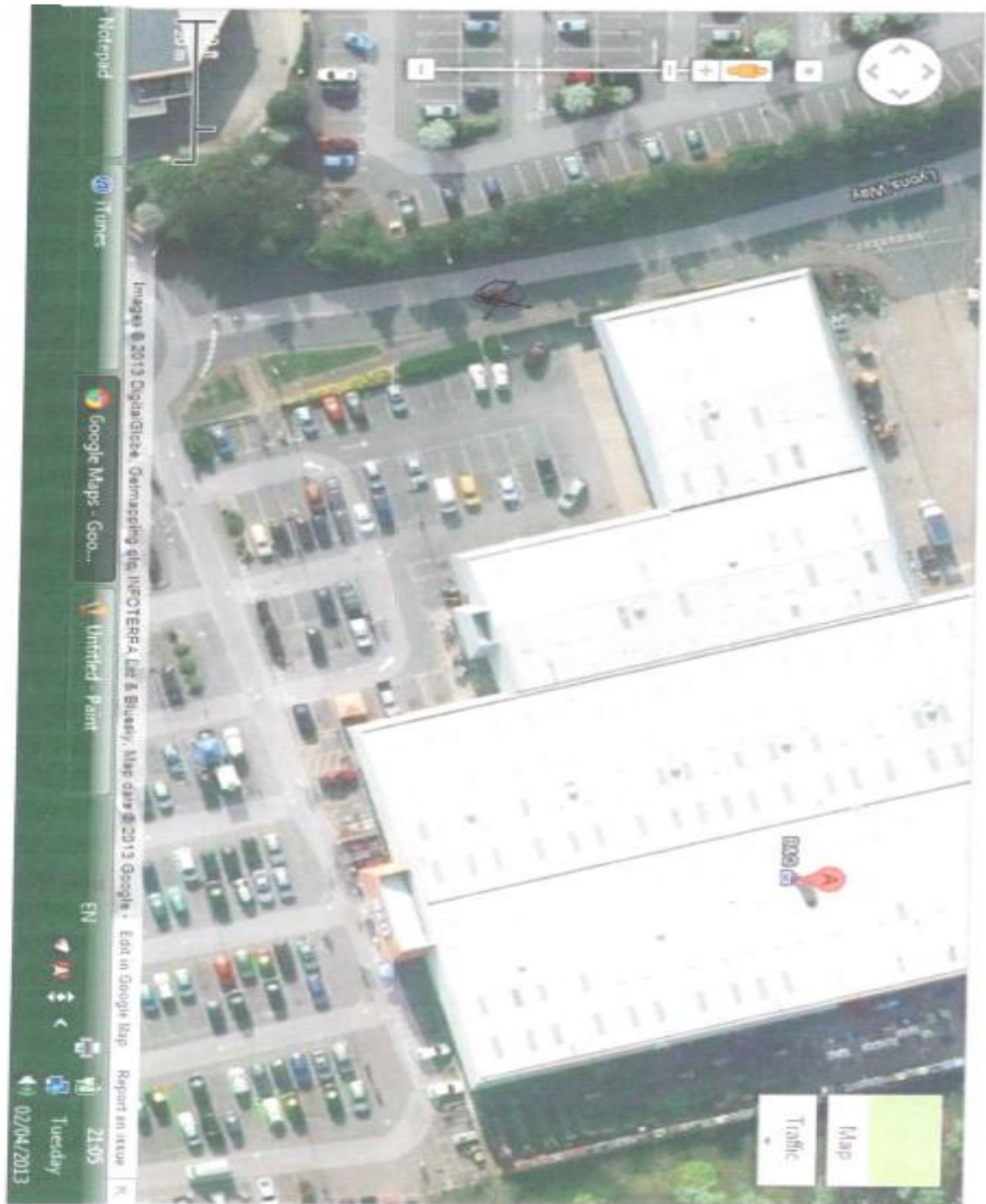
- Appendix A - Plan of area.
- Appendix B - Photograph of proposed van.
- Appendix C - Application Form.
- Appendix D - Representations received from public.
- Appendix E - Representation received from Sussex Police.
- Appendix F - Applicants agreement to amendment of application after mediation

Commerce Way, Lancing

Ref: SJ/Lic.U/LA03/NEW – Worthing Kebab & Burger Van, Lyons Way

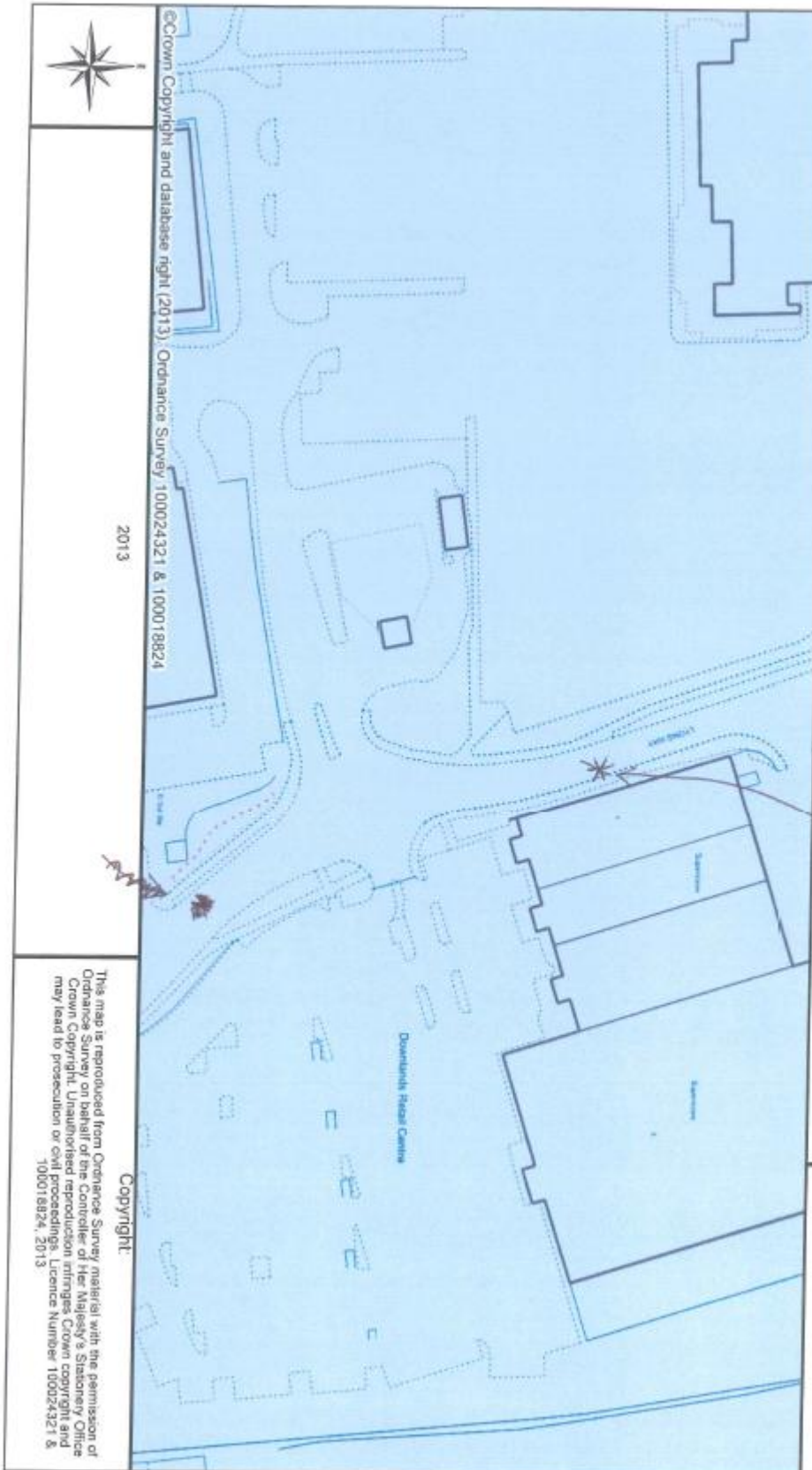
Date: 9 August 2013.

Plan of Area



Worthing Kebab & Burger Van Site
28 May 2013

SITE



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Photo of Proposed Van



Application

EH/LA/App04



9 Commerce Way, Lancing, BN15 8TA

**Licensing Act 2003 -
New Premises Licence Application pack including
Application Form & Designated Premises Supervisor Consent**

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 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.

We Seyma Tekinerdogan & Memet Tekinerdogan
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description	
Worthing Kebab & Burger Van Downland Business Park Lyons Way	
Post town Worthing	Post code BN14 9LA

Telephone number at premises (if any) [REDACTED]

Non domestic rateable value of premises £ N/A

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- | | |
|---|---|
| | Please tick ✓ |
| a) an individual or individuals* | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | <input type="checkbox"/> please complete section (B) |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. Other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) The proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) A health service body | <input type="checkbox"/> please complete section (B) |
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> please complete section (B) |
| h) The chief officer of police of a police force in England and Wales | <input type="checkbox"/> please complete section (B) |

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname **Tekinerdogan** First names **Seyma** Please tick

I am 18 years old or over

Current postal address if different from premises address [REDACTED]

Post Town **Worthing** Postcode [REDACTED]

Daytime contact telephone number [REDACTED]

Email address (optional) [REDACTED]

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname **Tekinerdogan** First names **Memet** Please tick

I am 18 years old or over

Current postal address if different from premises address [REDACTED]

Post Town **Worthing** Postcode [REDACTED]

Daytime contact telephone number [REDACTED]

Email address (optional) [REDACTED]

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

Day	Month	Year

If you wish the licence to be valid only for a limited period, when do you want it to end? **N/A**

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend **N/A**

Please give a general description of the premises (please read guidance note 1)

A mobile Kebab & burger Van selling takeaway hot & cold food and beverages. The van will be located on the public highway in the Downlands Business park, Lyons Way adjacent to the Halfords/B & Q Car park. See attached plan.

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays	NOT APPLICABLE
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B

Films	NOT APPLICABLE
-------	----------------

C

Indoor sporting events	NOT APPLICABLE
------------------------	----------------

D

Boxing or wrestling entertainment	NOT APPLICABLE
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E

Live music	NOT APPLICABLE
------------	----------------

F

Recorded music	NOT APPLICABLE
----------------	----------------

G

Performance of dance	NOT APPLICABLE
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H

Anything of a similar description to that falling within (e),(f) or(g)	NOT APPLICABLE
--	----------------

I

Provision of facilities for making music	NOT APPLICABLE
--	----------------

J

Provision of facilities for dancing	NOT APPLICABLE
-------------------------------------	----------------

K

Provision of facilities for entertainment of a similar description to that falling within (i)or (j)	NOT APPLICABLE
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L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors	✓	
Mon			Please give further details here (please read guidance note 3) Sale of hot food & drink from purpose built catering van	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur						
Fri	23.00	02.00		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. (please read guidance note 5)		
Sat	23.00	02.00				
Sun						

M

Sale of alcohol Standard days and timings (please read guidance note 6)	NOT APPLICABLE
--	----------------

State the name and details of the individual whom you wish to specify on the licence as premises supervisor
NOT APPLICABLE

N

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
None.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	17.00	23.30	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue	17.00	23.30	
Wed	17.00	23.30	
Thur	17.00	23.30	
Fri	17.00	02.00	
Sat	17.00	02.00	
Sun	17.00	23.30	

P

Describe the steps you intend to take to promote the four licensing objectives:

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

b) The prevention of crime and disorder

- Any incidents of criminal behaviour will be immediately reported to the police.

c) Public safety

- Proper fire precautions & health & safety precautions to be maintained.
- First Aid Kits shall be maintained in the van.
- Suitable fire extinguishers shall be provided, and regularly checked and maintained under contract.
- Only plastic and foam drinking & food containers will be supplied with the exception of canned soft drinks.

d) The prevention of public nuisance

- Management and staff shall make regular checks for litter, and at close of business shall check for litter in the adjacent roadway. All refuse will be removed from area each evening.

e) The protection of children from harm

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the proposed premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

<input checked="" type="checkbox"/>	<i>Cheque</i>
<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 4 – Signatures (please read guidance note 10)

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

Signature 

Date

Capacity

For joint applications signature of 2nd applicant 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 19)	
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)	

Appendix D 1

From: [REDACTED]
Sent: 31 July 2013 16:07
To: Licensing Unit
Subject: Worthing Kebab & Burger Van representation

To who it may concern.

[REDACTED] of [REDACTED] Allington Road, Worthing, [REDACTED] Do object to the extended opening hours. This will cause no end of noise and aggregation, as it will turn in to another meeting place for youngsters with cars. We will end up with the same noise pollution we had until B&Q and Sainsburys but barriers up to stop the boy racers racing around with music at full volume at ungodly hours of the morning.

Yours Sincerely

[REDACTED]

Upper Brighton Road
Worthing
West Sussex



28th July 2013

Re-Miss Seyma Tekinerdogan & Mr Memet Tekinerdogan " Worthing kebab & Burger Van"

Dear Sir /Madam

We had a photocopy of a notice dated 28th May 2013 put through our letter box today 28th July 2013 stating an application for THE SALE OF LATE NIGHT REFRESHMENTS at Lyons way Worthing, had been put forward to the licensing unit and a representation has to be with this unit by 31st July 2013. **Nice to give us the same notice as the applicant TWO months for them THREE working days for us.**

We are against the application due to the lateness the business wishes to open and the nights it wishes to operate. We have enough noise from cars and pedestrians leaving the Downland's pub and take away establishments at the parade of shops plus joy riders and skate boarders using the car parks as a racing track during the summer months. The food Van that is already there during the day gives off a smell that is unpleasant.

My next door neighbour and I have in the past had our cars damage on our driveways by drunk youths at this time of night and this application for the food van to be selling food between 23hrs and 02am will only increase the problems we have had to endure over many years, the police are unable to do anything as the car parks are private property.

The only people going to use this facility are persons leaving establishments such as late night pubs and night clubs which are located in the town centre, there are plenty of food takeaways in town we do not need this food van at Lyons way.

What will happen to the rubbish generated by this business as we get a lot of takeaway packaging already littering our front garden where people are lazy and throw their rubbish away both from vehicles and pedestrians.(paper trays /cartons –polystyrene cups/trays-glass bottles –plastic bottles-plastic bags-cigarette butts) just a few of the items discarded by people.

Yours Sincerely

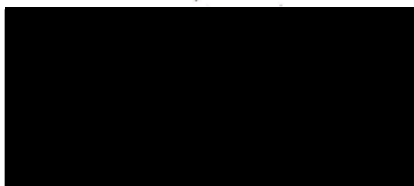


Bramber Road
26/7/13

I am writing in Reference to a licencing application for a kebab van in the Lyons farm area of Worthing BN14 9LA. I would like to object to this application on these grounds:

- The proposed opening times of 23.00 to 02.00 on Fridays and Saturdays are totally unsuitable for the area. This is a retail park and with the last premises being Sainsbury's closing at 11pm on Fridays and 10pm on Saturdays there will be no passing trade from these times. The proposed opening times are later than similar takeaway outlets in Worthing making it the only venue open to the whole area, therefore if this application is granted, and as there is no public transport option at this time of night, customers will be required to travel there by car causing an increase of vehicles in this area until the early mornings of Saturday and Sunday.
- Due to the potential of large increases of members of the public gathering in a single area late at night this will require a regular increased police presence impacting on the limited resources the police have already at these times.
- This application, if passed, will cause noise pollution and nuisance to the surrounding residential areas. Historically, local residents have had noise issues with cars and motor bikes using the approach roads and car parks of Sainsbury's and B and Q as race circuits. Having successfully negotiated with these outlets to lock the car parks, interest in the area ceased, if passed this area will again attract attention, increasing the potential for this situation to re occur.
- As takeaway food outlets often have litter issues surrounding them, this will be no different at this location.

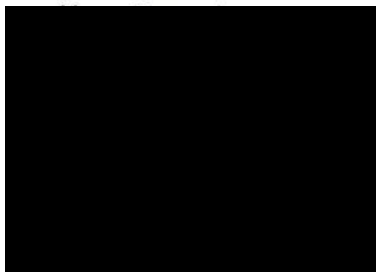
Yours Sincerely





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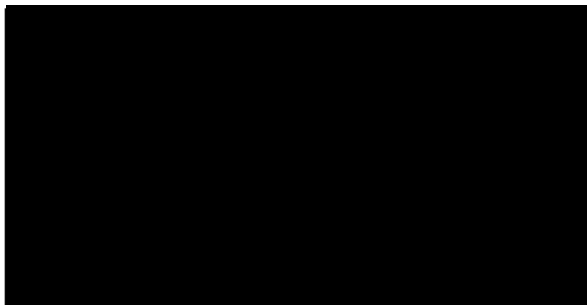
Appendix D5



Bramber Road
[Redacted]
26/7/13

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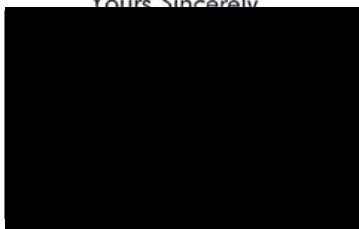

Bramber Road

26/7/13

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Yours Sincerely





[REDACTED]
Bramber Road
[REDACTED]

26/7/13

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- As takeaway food outlets often have litter issues surrounding them, this will be no different at this location.

Yours Sincerely
[REDACTED]



Upper Brighton Rd.

4 July 2013

Dear Mr Jones

I have heard that a Catering vehicle is wanting to come to the side road between Sainsburys & B&Q. To be there after the daytime mobile cafe has left, (which serves the workers & shoppers.) The evening & night caterers could only attract the wrong crowd & eventually they will be a public nuisance & crime & disorder as that road leads to a public footpath which goes behind Business park & farmland, this area is popular for us dog walkers, this walk takes you up to Lambleys Lane & the St Marys Church.

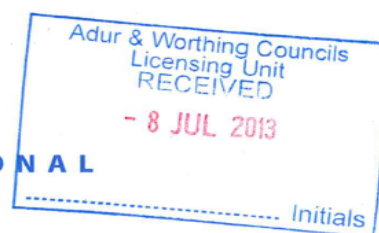
At the moment it is a peaceful & safe walk. already signs have been put up preventing Motor/home dwellers not to reside. A vehicle already appears to be permanent with people living in it, it is called "Seed Sower"? everytime I have walked by, strange noises can be heard. I dread to think what types would be attracted to this peaceful clean & respectable area.

what I'm actually saying is No we don't want an out of his vehicle selling food & drink (I goodness knows what else!) to be operating in this quiet area.

Yours faithfully



SAYWELL INTERNATIONAL



Licensing Unit
Housing, Health & Community Safety
Adur District Council & Worthing Borough Council
Unit 9 Commerce Way
Lancing
West Sussex
BN15 8TA

04 July 2013

Dear Sirs,

Application for Burger Van in Lyons Way, Worthing

As the owner of a business based in Downlands Business Park, I write to express our concern with regards to the licence application for a mobile Burger Van at Lyons Way.

For the avoidance of doubt, a burger van trading under the name of Oscars currently operates from the site but, as this is during the working day, we have no concerns with regards to this.

I understand that a licence application has been made for a mobile Burger Van to be operated in Lyons Way from 17:00 to 23:00 on Sundays through to Thursday and from 23:00 to 02:00 on Friday and Saturday evenings.

Our primary concerns centre around the prevention of public nuisance and also crime and disorder.

Lyons Way is a no through road that provides access to Downlands Business Park, Worthing United Football Club and delivery access to both B&Q and Sainsbury's. It also provides access to the farm which is situated at the end of the road. As none of the retailers operate 24 hours a day, any potential clientele of the Burger Van would have no other cause to travel to Lyons Way other than to purchase food from the van and, in all likelihood, would do so using motor transport. Given the vicinity of Worthing and Lancing town centres, the need for a Burger Van in a retail park, which has closed for the evening, is questionable. It is of particular concern given that the van will operate around the closing times for pubs and night clubs; up to 2.00am on a Friday and Saturday night. There is significant potential for public nuisance and disorder in the hours of darkness in what is otherwise a no through road.

Since moving to Downlands Business Park, six years ago, we have had cause to contact Worthing Borough Council with regards to unauthorised vehicles namely motor buses and caravans being parked outside our facility. This problem has been ongoing and despite much correspondence we have witnessed different caravans appearing time after time. Due to the nature of our business, we have staff that are on call 24 hours and are required to enter the premises in the middle of the night or late in the evening. The nuisance and concern caused by the presence of travellers camping illegally at the end of Lyons Way is only surpassed by the illicit and antisocial behaviour that is undertaken late into the night on

Saywell International Limited

Aviation Centre, Downlands Business Park, Worthing, West Sussex, BN14 9LA
Tel: +44(0)1903 705700 Fax: +44(0)1903 705701 Email: sales@saywell.co.uk
www.saywell.co.uk



United Kingdom - United States of America - Canada - Singapore

Registered in London. No 579488 Registered Office: Aviation Centre, Downlands Business Park, Worthing, West Sussex BN14 9LA

certain occasions. Whilst I appreciate we simply do not have the law enforcement resources necessary to discourage such crime and disorder 24 hours a day, the provision of a late night Burger Van would only serve to encourage such behaviour.

If a licence is granted for a Burger Van to operate into the late evening and early morning, our concern is that it will only serve to increase the public nuisance and illegal activity in Lyons Way. I know from personal experience that the drive to work along Lyons Way in the early hours of the morning can be both intimidating and frightening when confronted by the sight of illegal encampments, rubbish, discarded cans of alcohol and drug paraphernalia. There would be a genuine cause for concern over the safety and wellbeing of my staff having to work late into the evening or early mornings given the potential for the Burger Van to attract and encourage yet further antisocial behaviour in the hours of darkness in what should be an otherwise quiet access road.

In the interests of preventing a public nuisance or encouraging the illegal activities which seem to plague the road already, I ask that these concerns be considered and that the application for a licence to operate a late night Burger Van in Lyons Way is not granted. I would be happy to discuss this on the phone or in person and you can call me on my direct dial 01903 705711.

Yours faithfully,
for Sawwell International Ltd



[Redacted]
Cross Lane
[Redacted]



4 July 2013

Dear Sir/Madam

**2003 Licensing Act
Premises Licence Application – Late Night Refreshment
Burger Van – Lyons Way, Worthing**

I would like to make representation against the above Licence being granted on the grounds of the Prevention of Crime & Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

I currently walk or drive past this site on a twice daily basis, usually early in the morning and in the evening, in order to gain access to Tenants Hill Farm, Lyon's Way.

In addition to 'courting couples' that regularly use this secluded area for whatever it is they get up to in their cars I have often witnessed 'deals' taking place, particularly in the evenings, between young people loitering in small groups in and around parked cars either outside the secluded farm gates or further down Lyons Way where this Burger Van proposes to be sited. Although I cannot prove my suspicions I strongly suspect these are drug deals and the litter left in the area suggests this to be the case.

In addition the area attracts lots of young persons in customised cars best described as 'boy racers' they hang around the area revving vehicles and racing. The provision of a catering van late into the evening will increase the attractiveness of this area only to such individuals leading to noise, increased litter, increased anti social driving and potentially crime & disorder.

This application is regarding late night refreshment after 11.00pm at night at weekends. This is a secluded and quiet area with **nothing** to attract the public at night in the vicinity and is hardly used currently except by those up to no good that use the area because of its remoteness, I feel the presence of this van would only encourage more such people to carry out their dubious business and activities.

When alone, I do not feel safe having to walk or drive past and witness what is going on and the cars present often speed past me upon exit from the area. I request the committee refuse this application as any licence holder will not be able to control what activities takes place in the vicinity of his van and his presence will encourage an increase in number of individuals engaging in antisocial behaviour and crime.

Yours faithfully

[Redacted Signature]

Sussex Police Representation



Sussex Police
Serving Sussex

www.sussex.police.uk | 101

West Sussex Division



YOUR REF.

4th June 2013

PLEASE ASK FOR PC WHITCOMBE

DIRECT DIAL T/P 01273 470101
ext 81443

Dear Mr Jones

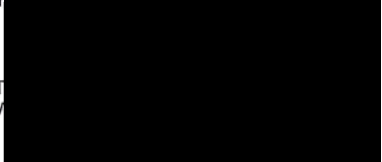
Sussex Police representation under the Licensing Act 2003 against the application for the grant of a Premises Licence for Worthing Kebab & Burger Van, Downland Business Park, Lyons Way, Worthing. BN14 9LA.

The conditions currently offered in this application to promote the licensing objectives are considered to be inadequate. Accordingly Sussex Police have no alternative other than to raise representations with regard to The Prevention of Crime & Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

Attached for your information is a copy of a letter that has today been sent to the applicants agent outlining the reasons for this representation.

Upon receipt of any response, which enables the representation to be resolved, I will notify you accordingly.

Yours sincerely



Mr S Jones
The Principle Worthing Borough Council Licensing Officer, Environmental Health
Adur District & Worthing Borough Councils
Licensing Unit,
Commerce Way,
Lancing. BN15 8TA

Centenary House, Durrington Lane, Worthing, West Sussex BN13 2PQ Telephone 101 Fax (01243) 843549

The Licensing Unit
Health & Housing Services
Worthing Borough Council



Sussex Police
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West Sussex Division



YOUR REF.

PLEASE ASK FOR PC WHITCOMBE

4th June 2013

DIRECT DIAL T/P 01273 470101
Ext 81443

Dear Miss Seyma Tekinerdogan and Mr Memet Tekinerdogan

Sussex Police representation under the Licensing Act 2003 against the application for the grant of a Premises Licence in respect of Worthing Kebab & Burger Van, Downland Buisness Park, Lyons Way, Worthing, West Sussex. BN14 9LA

I acknowledge receipt of a copy of your application for the grant of a premises licence in respect of Worthing Kebab & Burger Van, Downland Business Park, Lyons Way, Worthing, West Sussex.

As the very limited steps you have outlined in the Operating Schedule to promote the licensing objectives are considered insufficient, Sussex Police currently have no alternative other than to raise a representation in respect of this matter. This representation is made on the grounds of the Prevention of Crime & Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

There is a recognised link between premises which serve late night refreshment and the potential for disorder, nuisance and disturbance. As such, there is a need for effective measures to be put in place to reduce these risks.

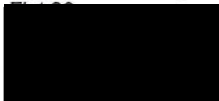
Given that your premises is a mobile unit rather than fixed premises, conditions that would normally be considered appropriate for late night take-away venues may not be feasible and as such alternative methods may need to be considered.

I therefore propose that a meeting takes place to both discuss for application and examine your business plan so that effective measures to address the licensing objectives can be agreed. I propose that this meeting takes place at Centenary House, Worthing at 11am on Thursday 13th June 2013.

Yours faithfully

P.C. Dave Whitcombe
West Downs Division, Licensing

Miss S Tekinerdogan and Mr M Tekinerdogan



Centenary House, Durrington Lane, Worthing, West Sussex BN13 2PQ Telephone 101 Fax (01243) 843549

Appendix F

From: seyma tekin [REDACTED]
Sent: 02 July 2013 13:06
To: Simon Jones
Subject: FW: RE Worthing Kebab & Burger Van, Downland Business Park, Lyons Way Worthing West Sussex BN14 9LA

Hello Simon,

Here's a copy of the email i've sent to worthing police and the email Worthing Herald had sent me.

Thank you,

Seyma Tekinerdogan

From: [REDACTED]
To: ws_licensing_wor@sussex.pnn.police.uk
Subject: RE: RE Worthing Kebab & Burger Van, Downland Business Park, Lyons Way Worthing West Sussex BN14 9LA
Date: Tue, 2 Jul 2013 13:01:17 +0100

Good Afternoon,

Thank you for your email about the meeting and the conditions, i do apologize for not being able to contact you back straight away, I'm happy to confirm all the conditions written below, I've also forwarded the email I've received from Worthing Herald News to confirm that the advertisement will be on the newspaper on 4th of July this Thursday.

Kind Regards,

Seyma Tekinerdogan

Subject: RE Worthing Kebab & Burger Van, Downland Business Park, Lyons Way Worthing West Sussex BN14 9LA
Date: Fri, 28 Jun 2013 14:02:00 +0100
From: WS_Licensing_WOR@sussex.pnn.police.uk
To: [REDACTED]
CC: David.Whitcombe@sussex.pnn.police.uk

Good afternoon,

RE Worthing Kebab & Burger Van, Downland Business Park, Lyons Way Worthing West Sussex BN14 9LA

Further to our meeting on the 13th June and your subsequent email to Simon Jones 18th June please see below conditions that Sussex Police require to be attached to your licence

if the licence were to be granted. An email was sent to Simon Jones requesting these on the 20th June which was hopefully forwarded to yourself, below is a copy in case you have not received this.

Please could you confirm if you are happy with the below conditions being attached to your licence to both myself and Simon Jones at the council.

- Induction training must be completed, and fully documented regarding conflict management and issues that may arise due to operating during the night time economy.
- All staff members employed at the premises must have emergency contact numbers for the Premises Licence Holder or delegated responsible person readily available while operating under the premises licence.
- An incident register will be kept on the premises to record all incidents of crime or disorder. These records will be made available to the authorised members of the Local Licensing Authority and/or the Police upon request.
- CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. It will be the responsibility of the Premises licence Holder, or duty manager, to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible in compliance with data protection legislation
- All beverages will be provided in containers constructed of paper, plastic etc. or toughened glass. Containers constructed of breakable glass shall not be used.

Please do not hesitate to contact me, if you wish to discuss this matter further.

Kind Regards
Helen

Helen Manley
Licensing Officer (Acting)
Neighbourhood Licensing Team, W. Sussex
Tel: 101 Ext. 81179
Direct Dial: 01273 404030

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