

SUB COMMITTEE
of the
LICENSING AND CONTROL COMMITTEE 'B'

MINUTES
of the
PROCEEDINGS
held on
Wednesday 28 August 2013

Sub Committee Membership: Councillors Christine Brown (Chairman), David Chapman and Val Turner.

Hearing to consider an application for variation of a premises licence for

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

Applicant: Seyma Tekinerdogan & Memet Tekinerdogan

Present:	Theresa Cuerva	Licensing Officer
	Caroline Perry	Solicitor
	Neil Terry	Senior Democratic Services Officer
	Memet Tekinerdogan	Applicant
	Julie Dunsmore	Interested Party
	Sunil Sutaria	

LCC/13-14/11 Welcome

The Chairman welcomed the attendants to the meeting.

LCC/13-14/12 Apologies and Reconstitution of Membership

Nil

LCC/13-14/13 Declarations of Interest

There were no declarations of interest made.

LCC/13-14/14 Procedure

The proceedings were as set out on the procedure note circulated to all those present.

LCC/13-14/15 Licensing Act 2003 – Application for a New Premises Licence

Before the Committee was a report by the Executive Head of Housing Health and Community Safety, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as item 4.

The Sub Committee were asked to consider and determine the application made by Mr Memet Tekinerdogan in respect of Worthing Kebab & Burger Van, Downland Business Park, Lyons Way, Worthing. The application had been the subject of formal representation by a responsible authority and members of the public and it therefore fell to the sub-committee to determine.

The Licensing Officer introduced the report to the Committee and confirmed with the applicant that the report was an accurate outline of the application. It was noted that the application had been amended to address concerns raised by the Police.

Mrs Dunsmore addressed the meeting. It was Mrs Dunsmore's contention that the granting of a licence would exacerbate problems with young people (boy racers) driving vehicles in the area late at night. Mrs Dunsmore also raised concerns surrounding the remote location of the business and that it could encourage undesirable types to congregate in the area.

Mr Sutaria addressed the meeting raising concerns that the siting of a Kebab & Burger Van in Lyons Way was likely to create a public nuisance / disturbance. The Committee was informed that the retailers at Lyons Farm close between 6 and 7.00pm and therefore there would not be any obvious clientele for this business. The van would create an uncomfortable environment for staff accessing the Saywell International site. It was noted that there were already problems with illegal encampments, drugs paraphernalia, rubbish and human waste at this location.

The applicant addressed the Committee confirming that he wished to open his own business with his daughter having lived in the country for the past 15 years. Mr Tekinerdogan stated that he was a law abiding citizen and was trying to make a future for his family. The applicant had previous experience of working in a kebab shop and confirmed his willingness to fit a CCTV system to the van in order to deter disturbances in its proximity. He stated that people do need food after 11.00pm, however if business was slow after this time, the van would be closed earlier than the time stated in the application.

The meeting adjourned at 10.26am and reconvened at 10.55am

In reaching its decision, the Licensing Sub Committee gave due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee also gave regard to Human Rights legislation and the rules of natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Sub Committee did so with a view to promoting the Licensing Objectives, the relevant objectives here were the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Resolved:

The decision of the Sub Committee was that the premises licence should be granted for late night refreshment on Friday and Saturday between 11.00pm and 2.00am.

The licence will include the conditions that were proposed by the Police and agreed by the applicant as detailed at paragraph 8.1 of the report. In addition there was the following condition:

At all times two persons will be working in the van between 11.00pm and 2.00am.

Reasons for Decision:

The Sub-Committee did have concerns about granting this licence as the area is so isolated, however, the Sub Committee note that the Police have withdrawn their representations following agreement of conditions and therefore the Sub Committee are satisfied that with the proposed Police conditions and the additional condition that have all been agreed the licensing objectives will not be undermined.

Additional Observations made by Members:

The licence holder and those who had made representations in connection with this application were reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court.

Interested parties were reminded that they may apply for a review of this licence 'after a reasonable interval' pursuant to section 51 of the Licensing Act.

The applicant was reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of a premises licence.

The proceedings finished at 10.58am it having begun at 10:00am
