

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **LICENSING SUB-COMMITTEE**

Thursday, 4th July, 2019, 10.00 am

**Councillors:** Manda Rigby (Chair), Michael Evans and Ryan Wills (in place of Sue Craig)

**Officers in attendance:** Terrill Wolyn (Senior Public Protection Officer), Ian Nash (Public Protection Officer (Licensing)) and Carrie-Ann Evans (Deputy Team Leader (Barrister))

#### **14 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

#### **15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Cllr Sue Craig, for whom Cllr Ryan Wills substituted.

#### **16 DECLARATIONS OF INTEREST**

There were none.

#### **17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **18 MINUTES OF PREVIOUS MEETING: 6 JUNE 2019**

These were approved as a correct record and signed by the Chair.

#### **19 LICENSING PROCEDURE**

The Chair drew attention to the procedure to be followed for the next item of business.

#### **20 APPLICATION FOR A PREMISES LICENCE FOR MUZZY KEBAB, PITCH 30 ORANGE GROVE, BATH BA1 1LP**

Applicant: Mehmet Yilmaz

The applicant confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report.

The applicant stated his case. He said that he would like to extend his business opportunities by being able to offer food to people who go out in the evening. Asked by the Chair why he thought that his operation would not conflict with the licensing objectives, he said that he had been in the business for eighteen years. He had worked for four years in Bristol city centre and knew how to deal with difficult and drunk customers. Asked by a Member about cleaning the area around the pitch, he replied that he would clean the area every day after close of business. He confirmed

that he would use signage on the van to encourage customers to keep noise down and be mindful of residents, and said he had a very quiet generator. He was not seeking authorisation for Late Night Refreshment on Fridays and Saturdays. On these days, which he said were by far his busiest, he would trade for the hours specified in the Street Trading Licence for the pitch, which was first granted in 2002.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application.

### Decision and reasons

Members have determined an application for a new Premises Licence for Muzzy Kebab, Pitch 30, Orange Grove, Bath, BA1 1LP. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on information put before them. Members noted that an application must be considered on its own merits.

### **The Applicant**

The applicant indicated in his application that the premises licence is sought in relation to his mobile catering unit which will sell hot take away food and soft drinks. As he wishes to provide late night refreshment from 2300 to 0300 Monday to Thursday inclusive and from 2300 to 0100 on Sunday, he seeks a premises licence.

The application provided that there would be no alcohol sold from the premises, signs would be prominently displayed requesting customers refrain from making excessive noise; all packaging would be paper or card; all drinks would be sold in aluminium cans or plastic cups; a litter bin would be provided for use by customers; and the area adjacent to the unit would be regularly cleaned.

Mr Yilmaz explained to Members that he has 18 years' experience of this kind of work and has 4 years' experience of such in Bristol City Centre trading from 6pm to 6am. He explained to members that he feels able to deal with any noisy customers and that he would tidy any litter from around the pitch every day that he was trading.

### **Other Persons**

Two representations of objection had been received from 3 residents living close to the premises expressing concerns that the proposals are likely to undermine the prevention of public nuisance licensing objective.

### **Responsible Authorities**

Members noted that there had been no representations from Responsible Authorities.

**Members**

Members noted that the Licensing Act 2003 is a permissive regime that is intended to minimise the regulatory burden.

Members noted that there had been no representations from any of the Responsible Authorities such as the Police or Environmental Protection.

Members noted that the applicant has already obtained the street trading pitch at Pitch 30, Orange Grove and he has obtained a Street Trading Consent. Members noted that the report refers to the fact that there has been an established street trading pitch selling hot food and drink at this location from 1800 to 0300 on Monday to Saturday inclusive and 1000 to 0100 on Sunday, since 2002.

Members found there was no evidence of impacts on the licensing objective of prevention of public nuisance which could not be mitigated by the conditions proposed by the applicant.

In all the circumstances Members found the application to be reasonable and they were satisfied that the licensing objectives would be promoted by the conditions to the licence. Accordingly, Members resolved to approve the application as applied for.

Authority is delegated to the Licensing Officer to issue the licence accordingly.

**Note**

Members made the applicant aware that at any stage following the grant of the premises licence the licensing authority may be asked to review the licence if there are matters arising which undermine any of the four licensing objectives.

The meeting ended at 10.34 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**