

## Naomi Wopling

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**From:** Barry.SLEIGHT@devonandcornwall.pnn.police.uk  
**Sent:** 05 May 2016 20:02  
**To:** SW-Licensing  
**Cc:** SLOMAN Mark 14089; NORSWORTHY Michael 13671  
**Subject:** Application for a variation to the licence held by Dillans Kebab House Okehampton  
**Categories:** Claire R

Good Evening.

Please take this E Mail as official notification that the Police wish to object to the variation of the licence for Dillans Kebab House Okehampton to sell alcohol by way of off sales.  
The licensing Objectives we feel will be compromised are  
Crime and Disorder  
Protection of Children

Okehampton is a small market town with very limited police resources covering many square miles.  
By allowing a late night takeaway the ability to sell alcohol could change the dynamics of the late night economy.  
This could lead to fights between drunken customers and staff if and when alcohol is refused.  
On fine evenings persons could stay eating and drinking in the street rather than go home.

The applicant has not given suitable conditions to show how he will prevent issues concerning crime and disorder.  
The applicant has a similar premises in Plymouth within a cumulative impact zone which means he would be committed in Plymouth at weekends  
He has offered CCTV conditions with this variation however a very recent crime at these premises when windows were smashed resulted in the CCTV being lost when a staff member tried to down load. On the same evening a competitors windows were also smashed.  
The Police have no confidence that the staff know how to operate the system

The applicant also wished to undertake home deliveries including alcohol. The applicant has not offered conditions that the police consider robust enough to protect against underage sales being made.

I have spoken to the applicants agent and told them of my concerns they were to take instructions from the applicant but to date I have not heard anything,

Should we not be able to mediate I look to expand on the above and also suggest to the committee conditions to be placed on the licence.

At any hearing I would look to the local police inspector attending to give the local police perspective

Regards Barry

Barry Sleight  
Teignbridge Licensing Officer  
Licensing Department (East), Devon & Cornwall Police HQ, Middlemoor, Exeter, Devon EX2 7HQ  
Tel: 01392 452386  
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Contact Devon & Cornwall Police on 101@devonandcornwall.pnn.police.uk  
Textphone 18001 101 for the deaf, hard of hearing or speech impaired

## **Comments on Dillans Kebab Shop Premises Licence Application**

Wednesday, 11 May 2016

Having considered the application by Murat Kaya for a variation to the premises licence for Dillans Kebab Shop I have concerns over whether this application truly supports the licensing objectives. As far as I can tell the applicant is seeking to offer alcohol for sale from the premises and also to offer alcohol as part of a home delivery service, with sales occurring until 01:00 on both Saturday and Sunday mornings.

When considering the application I have considered the application against the four licensing objectives i.e.:

**The prevention of crime and disorder**

**Public Safety**

**The prevention of public nuisance**

**The protection of children from harm**

The premises is located at the end of a row of shops with flats above, therefore there are residential premises in the immediate vicinity of the licensed premises. The Environmental Health department has not received noise complaints from neighbouring residents as yet.

In relation to the prevention of crime and disorder, I do have concerns over the safety of the delivery driver and whether he will become a target for violence especially as they may be put into situations where they refuse to provide alcohol at a premises if they feel that the purchaser is either too intoxicated, or underage. There does not appear to be any controls in place to adequately safeguard the driver.

As well as the safety aspect of the delivery driver there is the potential that this type of delivery service will attract underage drinkers. The applicant is stating that they will operate a challenge 25 policy, how will they ensure that at point of sale (i.e. telephone ordering) the purchaser is over the age of 18, and there does not appear to have been any thought as to how they will ensure that the delivery driver is not providing alcohol to under age persons.

In relation to public safety and prevention of public nuisance, should the application be successful it would allow easier access to alcohol for the public leaving other premises at closing time in the vicinity. As such the premises is likely to attract more customers than it does currently, however there does not appear to be any consideration of how the applicant will manage the customers in the line awaiting to be served so that there are no arguments or disturbance caused to the nearby residential properties.

At this time I feel that this application should be presented to the Licensing Sub-committee to ensure that they are satisfied that the grant of the application will not undermine the licensing objectives.

James Kershaw

Senior Specialist Environmental Health and Licensing

Commenting on behalf of the Licensing Authority.

## Naomi Wopling

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**From:** Cllr Julie Yelland  
**Sent:** 27 April 2016 10:03  
**To:** Naomi Wopling; Cllr Stephens  
**Subject:** Re: Variation to premises licence - Dilans Kebab House, Okehampton

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

Hi Naomi

Further to your e.mail dated 15<sup>th</sup> April 2016 regarding Dillan's Kebab House, 9 West Street, Okehampton, EX20 1HQ I should like to make a response. Unfortunately the e.mail address licensing@southhams.gov.uk won't work from my ipad so perhaps you would be kind enough to ensure my comments get to the right person.

The current premises licence permits the provision of late night refreshment (presumably non-alcoholic) for only one or two hours. The variation is to include the sale of alcohol for consumption off the premises every day for at least twelve hours.

If the case officer is minded to approve the variation, then I should like to call this into the Licensing Committee on the following grounds:

1. There is already a problem with anti-social behaviour in this area of the town during the evening. Allowing the sale of alcohol will enable this type of behaviour to not only increase, but also extend from lunch time until after midnight. There is minimal police presence in the town during the day time and none in the evening and over night.
2. Businesses operate during normal working hours in this part of the town and those who purchase and drink alcohol outside the Kebab House will create a public nuisance which will, in turn, have a detrimental effect on the economy and well being of the town. The outlet is also close to a residential area and approving this variation will impact on the local residents.
3. The Kebab House is on the main road through the town and there is no parking. There will be a significant risk that people will purchase alcohol and drink in their cars and/or step out into the road in an inebriated condition and cause an accident.
4. The Kebab House offers a home delivery service. I am concerned that this will include the delivery of alcohol to minors. Unaccompanied children frequently use the takeaway aspect, and again, there is a real risk that they will purchase and consume alcohol.

At a recent meeting of Okehampton Town Council, the councillors expressed strong concerns regarding this application as they felt that crime and anti-social behaviour would increase and there would be a risk to public safety and children.

Kind regards

Julie

Clr Julie Yelland  
Member for Okehampton South  
West Devon Borough Council  
E.mail: [clr.julie.yelland@westdevon.gov.uk](mailto:clr.julie.yelland@westdevon.gov.uk)  
Tel: 01837 53944

Sent from my Ipad

## Naomi Wopling

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**From:** Cllr Stephens  
**Sent:** 27 April 2016 14:31  
**To:** Naomi Wopling  
**Subject:** Re: Variation to premises licence - Dilans Kebab House, Okehampton

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Naomi,

As the other ward member for Okehampton south ward I would also like to express my concern for the application of a licence at the Dilans Kebab shop.

Cllr Yelland has provided the specific planning reasons in her email earlier and I completely agree with these reasons. As Cllr Yelland also mentioned the town council also object to this application for a licence.

Please put this application for a licence to the planning committee for a decision.

Other reasons besides planning reasons for objecting, which I realise can't be taken in to consideration include:

Littering - if people are buying alcohol and then wondering around town drinking with their take away they are likely to drop more litter. Sadly Alcohol does not improve people's behaviour and we already see far to much littering from takeaways as it is.

Setting a precedent- if we allow this licence every single take away in Okehampton will want to apply for a licence to sell alcohol. Even if other takeaways don't want to sell alcohol they will feel like they have to get a licence to stay competitive.

Underage drinking - Having this sort amenity supplying alcohol makes it much easier for underage children/young adults to buy/have it bought for them. In a pub they have control over where alcohol is consumed. In this situation there will be no control.

I hope this is helpful.

All the best

Ben

Cllr Ben Stephens  
Councillor for West Devon Borough Council  
Devon County Royal British Legion Standard Bearer  
Okehampton Town Councillor

## Naomi Wopling

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**From:** Cllr Tony Leech  
**Sent:** 16 April 2016 10:24  
**To:** Cllr Graham Parker  
**Cc:** Naomi Wopling; Cllr Mike Davies; Cllr Kevin Ball  
**Subject:** Re: Variation to premises licence - Dilans Kebab House, Okehampton

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

Although this is in the South Ward of Okehampton, I feel that I need to reply to this one.

This is a basic takeaway shop with only a few tables since they made alterations to the shop a few years ago. I think that the sale of alcohol would not be advisable, as there have been a few issues at this property, and having alcohol available late at night would only fuel some of the local feuds that we have within the takeaway businesses here in Okehampton.

We also have a prohibition on the drinking of alcohol in and around the streets of Okehampton, and any further take away sales will only make it harder for the Police to enforce this.

Regards

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Sent from my iPad

## Naomi Wopling

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**From:** Paul Snell <townclerk@okehampton.gov.uk>  
**Sent:** 27 April 2016 16:15  
**To:** SW-Licensing  
**Cc:** Naomi Wopling  
**Subject:** RE: Variation to premises licence - Dilans Kebab House, Okehampton

Okehampton Town Council, having considered this application on Monday, wish to make representation and object to the requested variation on the following grounds:

- Prevention of crime and disorder. The further proliferation of sites offering off-licence trading is adding to the high risk of alcohol abuse in the town, particularly after regular closing-times at licensed premises. It is understood there are a number of logged entries of public disturbance at this end of the town, which the Police have been called to attend. Recent instances of broken windows in this area exemplify the existing risk, which will be amplified by the granting of off-licence facilities and extending significantly the trading hours of these facilities.
- The prevention of public nuisance. The effect of disturbance of the peace through circumstances referred to above will present a significant public nuisance to the residents both in the immediate and neighbouring areas.
- Public Safety. Alcohol abuse and disturbance of the peace in this area, as logged incident reports will substantiate, have immediate and negative implications for public safety.
- The protection of children from harm. The immediate area is part-residential, with further significant residential estates within 150 metres. The risk presented by the application therefore presents an immediate risk to children.

Regards,

Paul R Snell  
Town Clerk

Okehampton Town Council

E: [townclerk@okehampton.gov.uk](mailto:townclerk@okehampton.gov.uk)  
T: 01837 53179

## Naomi Wopling

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**From:** Okehampton Hamlets <mail@okehamptonhamlets-pc.gov.uk>  
**Sent:** 06 May 2016 08:41  
**To:** Naomi Wopling  
**Subject:** RE: Variation to premises licence - Dilans Kebab House, Okehampton

Naomi

Councillors would like to object to the proposal below for the following reasons -

Consumption of alcohol off the premises should not be encouraged as it could become a nuisance and safety issue to the public and encourage crime in the area.

There are already sufficient outlets for the sale of alcohol within licensed premises.

Jane Gillard  
Clerk  
Okehampton Hamlets Parish Council  
01837 55728

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