

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
KILWORTHY PARK, TAVISTOCK ON WEDNESDAY 8 JUNE 2016**

Present: Cllrs Philip Sanders, Mike Benson and Terry Pearce
Sue Nightingale, Solicitor
Darryl White, Democratic Services Manager, Kathy Hoare, Case Manager
James Kershaw, Senior Specialist Environmental Health & Licensing
Naomi Wopling, Licensing Specialist
Barry Sleight, Police Licensing Officer

Also in attendance and participating:

Mr Mehmet Kays and Mr Bingol –Representing the applicant
Cllrs Julie Yelland and Ben Stephens (in their capacity as West Devon
Borough Councillors)
Cllr Tony Leech (in his capacity as an Okehampton Town Councillor)

LSC.1/16 **APPOINTMENT OF CHAIRMAN**

RESOLVED

That Cllr Sanders be appointed Chairman for the duration of the meeting.

LSC.2/16 **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

LSC.3/16 **TO DETERMINE AN APPLICATION TO VARY THE PREMISES LICENCE
OF DILLAN'S KEBAB HOUSE, OKEHAMPTON**

The Sub-Committee considered the application to vary the Premises License and make a determination in respect of the application.

The Licensing Officer proceeded to present the application and the contents of their report. The Chairman summarised the main issues for consideration as being the sale of alcohol from the premises and the home delivery service of alcohol.

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1. Address by Mr Bingol, Representing the Applicant

In his address, Mr Bingol confirmed that he was happy for this hearing to go ahead without his barrister present and made particular reference to:

- ID cards would be required at the time of orders being made to ensure that no Under 18's were sold alcohol. In addition, no alcohol would be consumed within the premises;

- The CCTV matter raised by the Police being accidental and deleted in error; and ;
- The application was seeking an additional source of income to support the viability of the business.

In response to a question, the representative advised that the premises currently employed two members of staff and a driver. If this application was approved, the applicants would hope to increase their workforce.

2. Address by Mr Sleight, Police Licensing Officer

In his address Mr Sleight made reference to his representations as outlined in the agenda papers and his most recent submissions that had been circulated before the meeting.

Of primary concern to Mr Sleight was the application being contrary to the following licensing objectives:

- Crime and disorder; and
- Protection of Children.

Mr Sleight stated that he was of the view that the applicant had not given suitable conditions of assurance to be able to prevent issues concerning crime and disorder and he emphasised that there was limited Police resource available in the town.

Regarding protection of children, the officer reiterated that he had concerns in particular relating to the home delivery service not protecting against underage sales from being made.

3. Address by Mr Kershaw

In his address, Mr Kershaw echoed a number of the concerns raised by Mr Sleight and confirmed that he was also objecting to the application on the grounds of Crime and Disorder and Protection of Children.

Moreover, Mr Kershaw was also objecting on the grounds of Prevention of Public Nuisance and felt that the proposed conditions were inadequate to ensure the promotion of the licensing objectives.

4. Address by Cllrs Stephens and Yelland

In their respective addresses, Cllrs Stephens and Yelland advised that, whilst ordinarily they supported local businesses, they unfortunately were both objecting to the application. In so doing, they highlighted the following points.

- The existing anti-social behavior in the area being potentially exacerbated through this application. Furthermore, there was a cumulative effect in light of the number of licensed premises in the area.
- The lack of parking provision and the premises being situated on a busy main road was stated.
- The application site was in very close proximity to residential dwellings and the impact on the Simmons Park area was stressed.
- Members were informed that a very popular Youth Club was located opposite the premises.
- In addition to Okehampton Town Council, Okehampton Hamlets Parish Council had also raised its objections to this application; and
- The on-site CCTV was recognized as being ineffective.

5. Address by Cllr Leech

Cllr Leech advised that Okehampton Town Council had objected to this application and he proceeded to read the Town Clerk's letter of representation (page 39 of the presented agenda report refers).

6. Discussion

The Committee asked a number of questions relating to the application to vary the premises licence as did the Ward and Town Council representatives for Okehampton.

Once all parties were content that they had no further issues or questions to raise, the Chairman advised that the Sub-Committee would adjourn in the presence of Mrs Nightingale only. For clarity, the Chairman confirmed that Mrs Nightingale would be in attendance to advise on the potential wording of the conditions and the legality of reasons and would have no other role in the decision-making process.

(Then at 3.30pm, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 4.05pm).

7. The Decision

The Chairman read out the following statement:

"We have considered the application to vary the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations received from parties not present today and have read carefully representations from parties present plus additional statements from persons here today.

It is our decision to:

1) Vary the licence only in relation to the plan submitted with the application and

2) REFUSE this Application for the following reasons:

1. The Police objections on the grounds of prevention of crime and disorder and of protection of children from harm.
2. The licensing authorities Senior Specialist's objection in the prevention of crime and disorder and protection of children from harm.
3. The proposed conditions do not adequately address the committee's concerns about compromise to the licensing objectives set out above.

Thank you all".

Chairman