

Public Document Pack

Committee Administrator
Julia Stuckey
Tel: 01884 234209
E-Mail: jstuckey@middevon.gov.uk

MID DEVON DISTRICT COUNCIL

LICENSING SUB-COMMITTEE D

A MEETING of the **LICENSING SUB-COMMITTEE D** will be held in the Exe Room on Monday, 12 June 2017 at 11.00 am

STEPHEN WALFORD

Chief Executive
25 May 2017

Councillors: Mrs G Doe, P H D Hare-Scott and D J Knowles

A G E N D A

MEMBES ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

1 APOLOGIES AND SUBSTITUTE MEMBERS

To receive any apologies for absence and notices of appointment of Substitute Members (if any).

2 CHAIRMAN - ELECTION

To elect a Chairman for the meeting.

3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR CHARCOAL GRILL, 27 FORE STREET, CULLOMPTON, DEVON, EX15 1JS (Pages 3 - 94)

An application has been received for a new premises licence for Charcoal Grill, 27 Fore Street, Cullompton, Devon, EX15 1JS. Relevant representations have been received. Accordingly, Mid Devon District Council as the licensing authority is obliged to hold a hearing to determine the application.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Mayoralty Room on the first floor of the Town Hall or the Exe Room in Phoenix House is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckey on:

Tel: 01884 234209

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

AGENDA ITEM

LICENSING SUB COMMITTEE
12 JUNE 2017

REPORT OF THE DIRECTOR OF OPERATIONS

DETERMINATION OF A PREMISES LICENCE APPLICATION FOR CHARCOAL GRILL, 27 FORE STREET, CULLOMPTON, DEVON, EX15 1JS

REASON FOR REPORT

1. An application has been received for a new premises licence for Charcoal Grill, 27 Fore Street, Cullompton, Devon, EX15 1JS. Relevant representations have been received. Accordingly, Mid Devon District Council as the licensing authority is obliged to hold a hearing to determine the application.

RECOMMENDATIONS

1. That this application is decided in accordance with the licensing objectives.

RELATIONSHIP TO CORPORATE PLAN

1. The licensing of a business does link to the corporate plan via the economy and community priorities. However, in dealing with and determining this application, the Sub-Committee must only consider the licensing objectives and nothing else.

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	If there is an appeal against the decision the Council could find itself bearing the costs
Legal	If the decision is not lawful the Council could find itself subject to appeal or judicial review
Risk Assessment	If the decision is not reasonably and lawfully made it could be overturned on appeal to the Magistrates' Court

CONSULTATION CARRIED OUT WITH:

1. The process of applying for these licences is prescribed by regulations made under the Licensing Act 2003. The applicant must copy their applications to the “Responsible Authorities” consisting of the Police, Fire Service, Weights and Measures, body responsible for Health and Safety (Environmental Health), Environmental Health for nuisance, the Planning Authority, the Licensing Authority, the local Director of Public Health, the body responsible for Child Protection and the Home Office (if applicable). If the application is submitted online the Licensing Authority must forward it to all Responsible Authorities.
- 2 This Council notifies the relevant town or parish council.
- 3 Applicants are also obliged to advertise their applications in two ways – on the premises so as to be visible to passers-by and in a local newspaper.

1.0 HISTORY OF THE PREMISES

- 1.1 The application to be considered by the Sub-Committee is for a new premises licence for Charcoal Grill, 27 Fore Street, Cullompton, Devon, EX15 1JS.
- 1.2 The Sub-Committee should be aware that the premises has an existing premises licence (licence number MDV PL0063) at 55 Fore Street, Cullompton, Devon, EX15 1JT. This licence has been held since 2006. The holder of the existing licence, Mr Cakir Sen, is the applicant for the proposed new licence.
- 1.3 For information purposes, a copy of the existing licence is attached to this report as Annex 1. This existing licence is also for late night refreshment and the times permitted mirror the times requested on the new application (with the exception of the opening hours for Sunday which need to be clarified – see Paragraph 2.3 below). The new application does however propose additional conditions beyond those on the existing licence.
- 1.4 The new application must be considered on its own individual merits however, the Sub-Committee may decide that the operation of the existing premises is a relevant consideration, in light of the above information (i.e. the licence holder will be the same and the licensable activities would be taking place at the same time). This particular point will be relevant when considering some of the representations which reference the operation of the existing premises.

2.0 APPLICATION

2.1 The applicant is a Mr Cakir Sen and the application itself was submitted on his behalf by BGW Solicitors. The application form is attached as Annex 2 and the plan accompanying the application is attached as Annex 3.

2.2 In summary, the following has been applied for:

Late night refreshment

- Monday – Thursday from 23:00 until 23:30
- Friday and Saturday from 23:00 until 01:00
- Sunday from 23:00 until 23:30
- Christmas Eve from 23:00 until 01:00
- New Year’s Eve from 23:00 until 01:00

Hour’s premises open to the public

- Monday – Thursday from 14:00 until 00:00
- Friday and Saturday from 14:00 until 01:30
- Sunday from 14:00 until 01:30
- Christmas Eve from 14:00 until 01:30
- New Year’s Eve from 14:00 until 01:30

2.3 The Licensing Team have tried to contact the solicitor dealing with the application to clarify the proposed opening times of the premises on Sunday. The application is requesting late night refreshment until 23:30 but a closing time for the premises is then given as 01:30. This additional two hours is not in keeping with the other times listed on the application but unfortunately the Licensing Team has not received a response at the time of writing this report. This will need clarifying at the hearing but it is important to note that times applied for cannot be increased and the question is therefore whether or not the opening hours for Sundays should have been applied for until 00:00.

2.4 The premises are described in the application as a *‘food takeaway shop offering delivery service’*.

3.0 LICENSING OBJECTIVES

3.1 All applicants are required to set out in their application the steps they intend to take to promote the four licensing objectives. These are:

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

3.2 Section M of the application (Annex 2) includes details on the measures that the applicant is proposing to promote these licensable objectives.

4.0 RESPONSIBLE AUTHORITIES

4.1 Responsible Authorities under the Licensing Act are notified of all new premises licence applications. The onus is on each Responsible Authority to determine when they have appropriate grounds to make a representation.

4.2 The Responsible Authorities are:

- Police
- Fire service
- Environmental Health (nuisance and health and safety)
- Planning Authority
- Licensing Authority
- Health and Safety Executive
- Weights and Measures
- the body responsible for Child Protection
- the local Director of Public Health
- the Home Office (if applicable)

4.3 As of 6 April 2017 the Home Office was made a Responsible Authority and the statutory application forms amended to reflect the requirements of the Immigration Act. As a result, the standard 'automated' online form that this authority used was out of date and could not be used. This application was therefore submitted to licensing via email. The Licensing Team cannot find a record of the Home Office being notified of the application.

4.4 This is not a fault on the part of the applicant and the Home Office was subsequently notified of the application on 12 May 2017. This was the final date for representations. The Home Office subsequently replied on 17 May 2017 to confirm that they would have had no representations / objections to make.

4.5 In cases like this where there has been a defect in the consultation process a decision needs to be made on whether or not it is necessary to 'restart' the application process. This decision needs to be made (and justified) on a case-by-case basis. In this particular case, the Home Office are the only party potentially disadvantaged (i.e. all other Responsible Authorities received the application) and as they have no comments to make, it is felt that it is appropriate to continue with this application and allow the hearing to go ahead as planned (i.e. it is not considered necessary to 'restart' the process).

4.6 Environmental Health has submitted a representation and this is attached as Annex 4. The representation is summarised as follows:

- The potential for anti-social behaviour late at night

- The dark lane leading to Jarman's Court may be used by people to urinate and vomit
- The plans do not show where the extraction system exits the building and as a result, it is possible that given the nearby neighbouring properties, public nuisance may be caused by both the noise from operating this extraction system and the subsequent odour generated
- Noise from customers congregating around the premises

4.7 The representation also states that planning permission must be sought before the applicant applies for a premises licence. The Sub-Committee should be aware that this is not possible and the licensing authority cannot compel an applicant to first apply for planning permission. Additional information is provided on the current planning situation later in this report (Paragraph 6.14).

4.8 Environmental Health have requested additional details from the solicitor dealing with the application with respect to the location of the extraction system but has not received a response at the time of writing this report.

4.9 No other representations were received from Responsible Authorities but advisory information was provided by both Planning and the Fire Service.

4.10 The Planning Department have confirmed that the premises do not currently have planning permission to operate as a hot food takeaway. The site would require a change of use from A1 to A5.

4.11 The Fire Service have stated that a fire safety inspection will be carried out and that and fire safety issues identified will be dealt with under their own powers (Regulatory Reform (Fire Safety) Order 2005).

5.0 OTHER PERSONS

5.1 The Licensing Act allows 'other persons' to make representations provided they are relevant. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives. The licensing authority will not accept representations considered to be frivolous or vexatious.

5.2 In this case the licensing authority has received eight representations. These are summarised briefly below, and for continuity, have been phrased similarly where possible to enable re-occurring themes to be highlighted. It is important to note that what follows in the report is only a brief summary of representations. The representations themselves are attached in full as Annexes 5 - 12.

5.3 The Licensing Officer believes that some of the points raised in these representations are not relevant and should not be considered by the licensing sub-committee. Additional information on this, as well as a summary of considerations, is provided in

Paragraph 6.0 of this report. These observations are from the Licensing Officer alone. If anyone has comments on these points then it is requested that they put this in writing and submit it to the licensing team prior to the hearing and in line with the requirements to return the 'Notice of Hearing' (i.e. by 5 June 2017). This information can then be circulated to the Sub-Committee in advance of the hearing.

5.4 **Cullompton Town Council** (Annex 5) has raised the following points:

- Anti-social behaviour will be relocated to a residential area
- The food hygiene rating for the premises is poor
- Noise from the premises in a residential area
- An insufficient fire exit to the rear of the premises

5.5 Cullompton Town Council have recommended that the application be refused.

5.6 **Mr & Mrs Ogle** (Annex 6) have raised the following points:

- Anti-social behaviour will be relocated to a residential area
- The potential for litter problems
- The dark lane leading too Jarmans Court may be used by people to urinate and vomit
- Additional threat and violence for local residents if premises relocates
- Food hygiene issues, the potential for pest infestation and drain problems
- Limited parking at the site and the potential difficulty in parking for nearby residents
- The extraction system could lead to noise and odour issues
- An insufficient fire exit to the rear of the premises
- Children being unable to sleep (as well as effected by things like air pollution, lack of cleanliness and 'moral devaluation')
- Local tenants unhappy with the proposal

5.7 Mr Ogle has also included some photos with the representation and these are also attached as Annex 6.

- 5.8 Additionally, Mr Ogle has enclosed a petition which is said to have ‘some 60 signatures’ requesting that the application be refused. This petition is attached to this report as Annex 7.
- 5.9 The petition is viewed by the Licensing Officer as supporting information to the initial representation submitted by Mr and Mrs Ogle. To clarify this, each individual signatory has not been treated as a separate objector for the purpose of this hearing.
- 5.10 Each page of the petition contains a statement to say that those signing are requesting that Mid Devon District Council refuse the application. It then states that the premises would be trading in the early hours of the morning and should not be allowed in a residential area. However, in terms of making a representation, the petition does not explain why, in relation to the four licensing objectives, the application should be refused. Additionally, each signatory was presumably aware of the application having signed the petition and could have submitted a representation directly themselves.
- 5.11 In light of this information, the Sub-Committee need to decide for themselves on how much weight to attach to the petition.
- 5.12 **Mr George Mills** (Annex 8) has raised the following points:
- Late night drinking has led to anti-social behaviour and this licence will add to these problems
 - The potential for litter problems
 - Alleyways and doorways may be used by people as toilets
 - Children being unable to sleep because of late night noise
- 5.13 Mr Mills has requested that there is no opening of the premises after 23:00. The Sub-Committee should be aware that the premises only requires a licence under the Licensing Act if it trades beyond this time because late night refreshment is only licensable between 23:00 and 05:00.
- 5.14 **Mr P Bradley** (Annex 9) has raised the following points:
- The potential for litter problems
 - Current situation with regards to anti-social behaviour in the early hours of the morning
- 5.15 **Mr R, Mrs G, Mr R and Mr L Priestley** (Annex 10) have raised the following points:
- Late night drinking has led to anti-social behaviour and this licence will add to these problems

- Potential for people to congregate around the premises late at night
- Cars parked nearby would be more at risk of damage or theft
- Limited parking at the site and the potential difficulty in parking for nearby residents
- People congregating around Jarmans Court would make it difficult for drivers to pull in and out safely
- The potential for litter problems
- Alleyways and doorways may be used by people as toilets
- The extraction system could lead to odour issues
- The potential for pest infestation and drain problems

5.16 Additionally, this representation states that Fore Street is a conservation area and that takeaways do not bring visitors or trade during the day. The Sub-Committee should be aware that the issue of trade is not relevant to the Licensing Act and should not be considered.

5.17 **Judith Merritt** (Annex 11) has raised the following points:

- CCTV is not shown on the plan and needs to be legal and cover all areas
- The potential for litter problems and issues with waste collection
- The potential for pest infestation and drain problems
- The dark lane leading too Jarmans Court may be used by people to urinate and vomit
- Limited parking at the site and the potential difficulty in parking for nearby residents
- Potential for deliveries to the premises to cause a nuisance
- Noise from customers congregating around the premises and Jarmans Court. This would also make it difficult for cars to pull in and out safely.
- The extraction system could lead to noise and odour issues

5.18 Judith Merritt has raised a number of issues which seem to be in the form of queries against the application. Examples include:

- a question on how staff can be trained to ask customers to leave in an orderly and respectful manner.
- A question about the location of lighting
- A question about how staff are trained to 'environmental health' requirements
- A statement about a logbook recording system and asking if this is not a health and safety requirement anyway
- A question asking how children would be prevented from accessing the premises after 21:00 (when unaccompanied)

5.19 Some of these matters can be clarified by the applicant at the hearing. For example, they can explain how, in practice, they will deal with unaccompanied children after 21:00.

5.20 **Trudi Nelson** (Annex 12) has raised the following points:

- Anti-social behaviour (including breaking of windows)
- The potential for litter problems
- Noise problems and children being unable to sleep

5.21 **Amir Faridi** (Annex 13) has raised the following points:

- Anti-social behaviour (including breaking windows of nearby properties)
- The potential for litter problems (including broken glass bottles)
- Doorways may be used by people as toilets
- The potential for pest infestation

5.22 A map showing the location of the nearby parties who have made representations in relation to the premises will be available to view and reference at the hearing.

6.0 ADDITIONAL INFORMATION AND GOVERNMENT GUIDANCE

6.1 In order encourage a productive and focused hearing the following section of the report includes additional information on the application and the representations received. Where possible, specific information has been included from Guidance produced under S.182 of the Licensing Act 2003.

6.2 In terms of representations generally, S182 Guidance states that:

A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. (Paragraph 9.4)

- 6.3 Some of the points made in representations are not considered relevant by the licensing officer, or alternatively, seem to apply to issues which would be beyond the responsibility of the licence holder. These are clarified below. Once again, if any party disagrees with any of these points it is requested that they put this in writing and submit it to the licensing team by 5 June 2017, in line with the requirements to return the ‘Notice of Hearing’. This will help to ensure a productive hearing.

Opening hours for local premises

- 6.4 For information purposes and to allow the sub-committee to put this application in to the wider context of the late night economy in Cullompton, the table below shows the times applied for in this application, alongside the times permitted by other premises licensed to sell alcohol and provide late night premises in the immediate area (Friday and Saturday):

Premises	Alcohol terminal hour	LNR terminal hour	Closing time
Charcoal Grill	N/A	01:00	01:30
Kings Head	00:30	01:00	01:00
Manor House	01:30	02:00	02:00
Market House	01:00	N/A	01:30
Pony and Trap	01:00	01:30	01:30
Weary Traveller	02:00	02:30	02:30
White Hart Inn	01:00	01:00	01:30

Anti-social behaviour and Charcoal Grill

- 6.5 A number of representations relate to anti-social behaviour and S182 Guidance is important to note:

‘Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night’. (Paragraph 2.21)

- 6.6 With this in mind it is unlikely that a licence holder could be held responsible for some of the issues highlighted in representations. Examples include:

- Individuals urinating or vomiting when they are outside the immediate area of the premises
- Individuals breaking shop windows when they are outside the immediate area of the premises
- Individuals damaging vehicles parked nearby
- A build-up of traffic in the area

- 6.7 This is not to say that if these issues exist then they are not problems to be dealt with. It just means that alternatively means of dealing with these issues need to be found and this could involve a number of Responsible Authorities and associated bodies (i.e. the Licensing Authority, Police, and Community Safety).

- 6.8 Some of the representations also reference the current situation with regards to the existing Charcoal Grill premises and anti-social behaviour. This is linked to the crime and disorder licensing objective and S182 Guidance states that:

‘Licensing authorities should look to the police as the main source of advice on crime and disorder’. (Paragraph 2.1)

- 6.9 Although no representation have been received from the Police it is possible that nearby residents experience issues that the Police are not necessarily aware of. If any parties who have made representations have previously complained to Environmental Health, the Police or Licensing (or any other body) about the premises directly, then it is requested that they provide additional information on this to the Licensing Team by 5 June 2017, in line with the response to the ‘Notice of Hearing’. This information / evidence will assist the sub-committee in assessing the impact of what appears to be similar premises.

- 6.10 This is not to say that the absence of previous complaints or logs prevents representations from being considered. S182 Guidance states:

‘There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises’. (Paragraph 9.4)

Public safety

- 6.11 Some of the representations have also covered issues of public safety and it is important to note that the public safety licensing objective relates to the safety of those using the premises, not general public health which is addressed in other legislation. Additionally, conditions should not be imposed which relate to matters of cleanliness or hygiene (Paragraph 2.7 of S172 Guidance). The body responsible for Health and Safety (Environmental Health) have not made a representation in relation to this licensing objective.

Public nuisance

- 6.12 In terms of the representations relating to public nuisance, S182 guidance states:

‘It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter’. (Paragraph 2.15)

- 6.13 It goes on to state that:

‘As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate’. (Paragraph 2.18)

Planning permission

- 6.14 In terms of the crossover between the licensing process and planning, Section 182 Guidance states that:

Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts

prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs. (Paragraph 9.45)

- 6.15 The Licensing Team have been speaking to the Planning Department about this specific premises and it has been confirmed that an application for change of use would be required. This application has not yet been submitted and the Planning Department have contacted the solicitor dealing with the application but at the time of writing this report have not received a response.
- 6.16 It is the case that some of the issues raised in representations would also be considerations of planning. However, the licensing sub-committee will need to satisfy themselves in relation to the proposed licensable activities and the action required to promote the four licensing objectives. The premises would not be able to operate legally until they had all of the required permissions in place. For example, even if a licence was granted it would not entitle the applicant to use the premises until planning permission was granted.
- 6.17 Given the potential crossover between planning and licensing in dealing with some of the matters raised, the licensing team are trying to arrange for someone from the Planning Department to be available during the time of the hearing to answer any specific questions the Sub-Committee may have. It is important to note however that planning did not make a representation against the application and they would only be present at the hearing to assist in the understanding of the general planning process.
- 6.18 Section 182 Guidance also states that:

The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. (Paragraph 14.57)

There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee. (Paragraph 14.58)

- 6.19 In relation to planning permission, the Council's Licensing Policy states that:

The Authority recognises that it is a fundamental principle of the Act that the licensing function should not duplicate other statutory regulation. In particular, the Licensing Authority recognises that licensing applications should not be seen as a repeat of the planning application process and that there is no legal basis to refuse a licence application because it does not have planning permission. Applicants are

recommended, however, to ensure that appropriate planning permissions are obtained before an application for a premises licence or club premises certificate is made. (Paragraph 4.3.3)

6.20 A brief summary of the points that the Licensing Officer considers relevant is provided below. This is followed by a summary of points that are not considered to be relevant. It is hoped that this final summary will help to ensure a focused hearing. Once again, it is important to note that this is the view of the Licensing Officer and if any party feels differently then we ask that they notify the licensing team of this in writing by 5 June 2017. This will ensure that there is time for this information to be circulated to the Sub-Committee.

6.21 The Licensing Officer believes that the main points to consider at the hearing are as follows:

- a) The potential for people to congregate in and around the premises leading to noise and anti-social behaviour impacting upon nearby residents.
- b) Nearby residents (including children) not being able to sleep as a result of the above.
- c) The lane leading to Jarman's Court may be used by people to congregate, urinate and vomit.
- d) Potential for nuisance via the extraction system in relation to both noise and odour (this issue may also be considered at the planning stage).
- e) The arrangements for fire exits (although Paragraph 4.11 of this report should be noted and the Licensing team have, at the time of writing this report, asked the Fire Service if any issues have been identified).
- f) The location and availability of waste receptacles and the potential for litter problems associated with the premises.
- g) The potential for deliveries to the premises to be a nuisance, insofar as they are linked to the proposed licensable activities (this issue may also be considered at the planning stage).

6.22 The issues that are not considered relevant are as follows:

- a) The fact that planning permission has not been applied for at this stage – this is not a reason to refuse the application.
- b) The existing food hygiene rating for the premises and issues relating to cleanliness and hygiene.

- c) Anti-social behaviour by individuals not linked to the premises and / or beyond the immediate area surrounding the premises.
- d) The lack of parking in the area.
- e) The general feeling that a premises like this is not required or that people are generally unhappy with the proposal. In order to be considered relevant, such issues would need to be directly linked, with reason, to the licensing objectives.

7.0 LICENSING POLICY

- 7.1 The Licensing Act requires the Council as the Licensing Authority to formally adopt a policy setting out how it will deal with its duties under the Act. That policy must be reviewed every five years and this Council formally adopted the current policy on 18 December 2013 and it came into effect 7 January 2014. It includes the following:
- 7.2 The Licensing Authority has a duty to carry out its licensing functions with the aim of promoting the four licensing objectives. (Paragraph 3.1)
- 7.3 The Authority will expect applicants and licence holders to demonstrate that they have given thought to and have in place adequate measures to ensure that the operation of their premises will not have an adverse effect on the quality of life of persons living and/or working in the vicinity of the premises. (Paragraph 4.1.4)
- 7.4 In determining a licensing application, the overriding principle adopted by this Authority will be that each application will be determined on its own merits. (Paragraph 5.3.1)
- 7.5 Conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a premises licence or club premises certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:
 - be appropriate, reasonable and proportionate
 - be enforceable
 - not duplicate other statutory requirements
 - be relevant to the particular type, location and character of the premises concerned
 - not be standardised
 - should be justifiable and capable of being met
 - not replicate offences set out in the Act or in other legislation
 - be written in a prescriptive format (Paragraph 7.2)
- 7.6 Members must have regard to the policy when making their decision and a copy will be available for people to view at the hearing.

8.0 GOVERNMENT GUIDANCE (GENERAL)

- 8.1 Members are also obliged to have regard to the Guidance produced under S.182 of the Licensing Act 2003. The relevant version for this application was published in April 2017. Section 6 of this report provided some specific information from the Guidance which is considered relevant to this application and the representations received. This section of the report will contain some sections of the Guidance which are relevant to the licensing process more generally.
- 8.2 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (Paragraph 1.17)
- 8.3 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. (Paragraph 9.37)
- 8.4 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy. (Paragraph 9.38)
- 8.5 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. (Paragraph 9.42)
- 8.6 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. (Paragraph 9.43)

- 8.7 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. (Paragraph 9.44)

9.0 DETERMINATION

- 9.1 The Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. This may include:

- Granting the licence as applied for
- Granting the licence subject to appropriate modifications necessary for the promotion of the licensing objectives
- Excluding from the scope of the licence any of the licensable activities to which the application relates (in this case the application is only for late night refreshment)
- Rejecting the application

- 9.2 It is important that reasons are given for the decision which set out the matters taken into consideration and why such a decision was arrived at.

- 9.3 Members have five working days from the conclusion of the hearing to make a decision.

- 9.4 An adopted procedure for Hearings is available as Annex 14. This should help guide all parties through the hearing process.

9.0 APPEAL

- 9.1 If any party (i.e. applicant or 'other person') is dissatisfied with the decision made then they have the right of appeal to the Magistrates' Court within 21 days of formal notification of the decision.

10.0 THIS REPORT

- 10.1 If any interested party wishes to comment on this report, believes there is an inaccuracy or would like something clarified then they should put this in writing to the Licensing Team by 5 June 2017. This is in line with the requirement to respond to the Notice of Hearing and will ensure that there is time to circulate this information to the Licensing Sub-Committee, as well as any other interested party that may need the information prior to the hearing commencing.

LIST OF ANNEXES TO THIS REPORT

Annex 1:	Copy of existing licence
Annex 2:	Application form
Annex 3:	Plan of the new premises
Annex 4:	Representation – Environmental Health
Annex 5:	Representation – Cullompton Town Council
Annex 6:	Representation - Mr & Mrs Ogle
Annex 7:	Petition on behalf of Mr & Mrs Ogle
Annex 8:	Representation - Mr George Mills
Annex 9:	Representation - Mr P Bradley
Annex 10:	Representation - Mr Richard, Mrs Gillian, Mr Renny and Mr Priestley
Annex 11:	Representation - Judith Merritt
Annex 12:	Representation - Trudi Nelson
Annex 13:	Representation - Amir Faridi
Annex 14:	Procedures for the hearing

Contact for any more information	Thomas Keating (01884 244618) Lead Licensing Officer Simon Newcombe Public Health and Professional Services Man.
Background Papers	S.182 Guidance to Licensing Act 2003 & MDDC Statement of Licensing Policy
File Reference	Licensing / Hearings / Charcoal Grill
Circulation of the Report	Applicant / 'Other Persons'

Licensing Act 2003 Premises Licence

MDV PL0063

LOCAL AUTHORITY



Licensing Section
Mid Devon District Council
Phoenix House
Phoenix Lane
TIVERTON
DEVON
EX16 6PP

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Charcoal Grill

55 Fore Street, Cullompton, Devon, EX15 1JT.

Telephone 01884 35300

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)	Sunday	11:00pm	11:30pm
	Monday	11:00pm	11:30pm
	Tuesday	11:00pm	11:30pm
	Wednesday	11:00pm	11:30pm
	Thursday	11:00pm	11:30pm
	Friday	11:00pm	1:00am
	Saturday	11:00pm	1:00am
	Christmas Eve	11:00pm	1:00am
	New Years Eve	11:00pm	1:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	2:00pm	Midnight
Friday	2:00pm	1:30am
Saturday	2:00pm	1:30am
Christmas Eve	2:00pm	1:30am
New Years Eve	2:00pm	1:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Part 2

Licensing Act 2003
Premises Licence

MDV PL0063

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Cakir Sen

15 Cedar Close, Bridgwater, TA6 5DP.
Telephone 01884 35300

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

All staff will be trained to avoid conflict and how to respond to criminal and anti social behaviour.

The public will not be able to gain access to knives or glasses.

Staff will be trained in how to react in an emergency.

Signage will be used to ask customers to be quiet and to disperse from outside the premises.

Facilities for collection and disposal of litter will be provided.

Drunkenness or disorderly behaviour will not be allowed on the premises.

No glassware to be used by customers.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The door is locked at the terminal hour.

No customers are to be allowed into the premises between the terminal hour and the time when the premises are closed to the public.

CCTV is installed, maintained and operated to the satisfaction of the Chief Officer of Police and the Licensing Authority.

Signature of Authorised Officer

LOCAL AUTHORITY



Licensing Section
Mid Devon District Council
Phoenix House
Phoenix Lane
TIVERTON
DEVON
EX16 6PP

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Charcoal Grill

55 Fore Street, Cullompton, Devon, EX15 1JT.

Telephone 01884 35300

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)	Sunday	11:00pm	11:30pm
	Monday	11:00pm	11:30pm
	Tuesday	11:00pm	11:30pm
	Wednesday	11:00pm	11:30pm
	Thursday	11:00pm	11:30pm
	Friday	11:00pm	1:00am
	Saturday	11:00pm	1:00am
	Christmas Eve	11:00pm	1:00am
	New Years Eve	11:00pm	1:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	2:00pm	Midnight
Friday	2:00pm	1:30am
Saturday	2:00pm	1:30am
Christmas Eve	2:00pm	1:30am
New Years Eve	2:00pm	1:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Cakir Sen

15 Cedar Close, Bridgwater, TA6 5DP.

Licensing Act 2003

Premises Licence Summary

MDV PL0063

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable

Signature of Authorised Officer

ANNEX 2

**Application for a premises licence to be granted
under the Licensing Act 2003**

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 that 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.

I CAKIR SEN

(Insert name(s) of applicant)

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 CHARCOAL GRILL 27 FORE STREET CULLOMPTON DEVON			
Post town	CULLOMPTON	Postcode	EX15 1JS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£8,300.00

Part 2 – Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <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 ☐ please complete section (B)
- f) a health service body ☐ 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 in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(TK Conf 13/4)

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SEN			First names CAKIR		
Date of birth 10/11/1981 over			I am 18 years old or <input checked="" type="checkbox"/> Please tick yes		
Nationality BRITISH					
Current residential address if different from premises address		15 CEDAR CLOSE BRIDGWATER			
Post town	BRIDGWATER			Postcode	TA6 5DP
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the 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?

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

FOOD TAKE AWAY SHOP OFFERING DELIVERY SERVICE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- 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) performances 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 late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 5)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)	
Thur				
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Thur				
Fri				
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) SUPPLY OF TAKE AWAY FOOD		
Mon	23.00	23.30			
Tue	23.00	23.30			
Wed	23.00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) CHRISTMAS EVE – 23.00 – 01.00 NEW YEARS EVE – 23.00 – 01.00		
Thur	23.00	23.30			
Fri	23.00	01.00			
Sat	23.00	01.00	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 6)		
Sun	23.00	23.30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
					State any seasonal variations for the supply of alcohol (please read guidance note 5)	
Day	Start	Finish				
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name CAKIR SEN	
Date of birth 10/11/1981	
Address 15 CEDAR CLOSE BRIDGWATER	
Postcode	TA6 5DP
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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 (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) CHRISTMAS EVE – 14.00 – 01.30 NEW YEARS EVE – 14.00 – 01.30
Day	Start	Finish	Non standard timings. Where you intend 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 6)
Mon	14.00	00.00	
Tue	14.00	00.00	
Wed	14.00	00.00	
Thur	14.00	00.00	
Fri	14.00	01.30	
Sat	14.00	01.30	
Sun	14.00	01.30	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

As a current Licensee of similar premises (Charcoal Grill, 55 Fore Street, Cullompton) which is now relocating to this new premises, I know that it is necessary to carry out functions and operate the business with a purpose of promoting the objectives. I Will ensure that the objectives are supported as detailed below through operating schedules/procedures, staff training/policies and ensure staff are vigilant at all times.

b) The prevention of crime and disorder

CCTV system will be installed to monitor entrances, exits and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the Premises Licence during which licensable activities are permitted.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Staff will be trained in asking customers to leave the premises in an orderly and respective manner.

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

A log book recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required by statute, and information compiled to comply with any public safety condition attached to the Premises Licence that requires recording. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air conditioning, sanitary accommodation and other installations will be maintained in good order and in a safe condition.

d) The prevention of public nuisance

Prominent, clear and legible notices will be displayed at the exit requesting public to respect the needs of nearby residents and to leave the premises and the area quietly.

Customers will be asked not to stand around talking in the street outside the premises and be asked to leave the vicinity quickly and quietly.

Deliveries necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night when the business has closed trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Adequate waste receptacles for use by customers will be stationed in and outside the premises.

The movement of bins and rubbish outside the premises will be kept to a minimum after 23:00pm. This will help to reduce the levels of noise produced by the premises.

e) The protection of children from harm

Will ensure no children are allowed into the premises unaccompanied after 21:00pm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☐
- I have enclosed the 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 individual I wish to be designated 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. ☒
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO

A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	<i>AW. Schulters</i>
Date	<i>13/4/17.</i>
Capacity	<i>Applicant's Solicitor.</i>

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

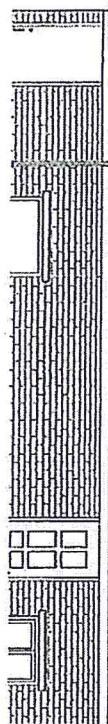
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
MS L RAE BGW SOLICITORS 57 HIGH STREET SHEPTON MALLET SOMERSET			
Post town	SHEPTON MALLET		Postcode
			BA4 5AQ
Telephone number (if any)	01749 330 330		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
libby.rae@bgw-solicitors.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

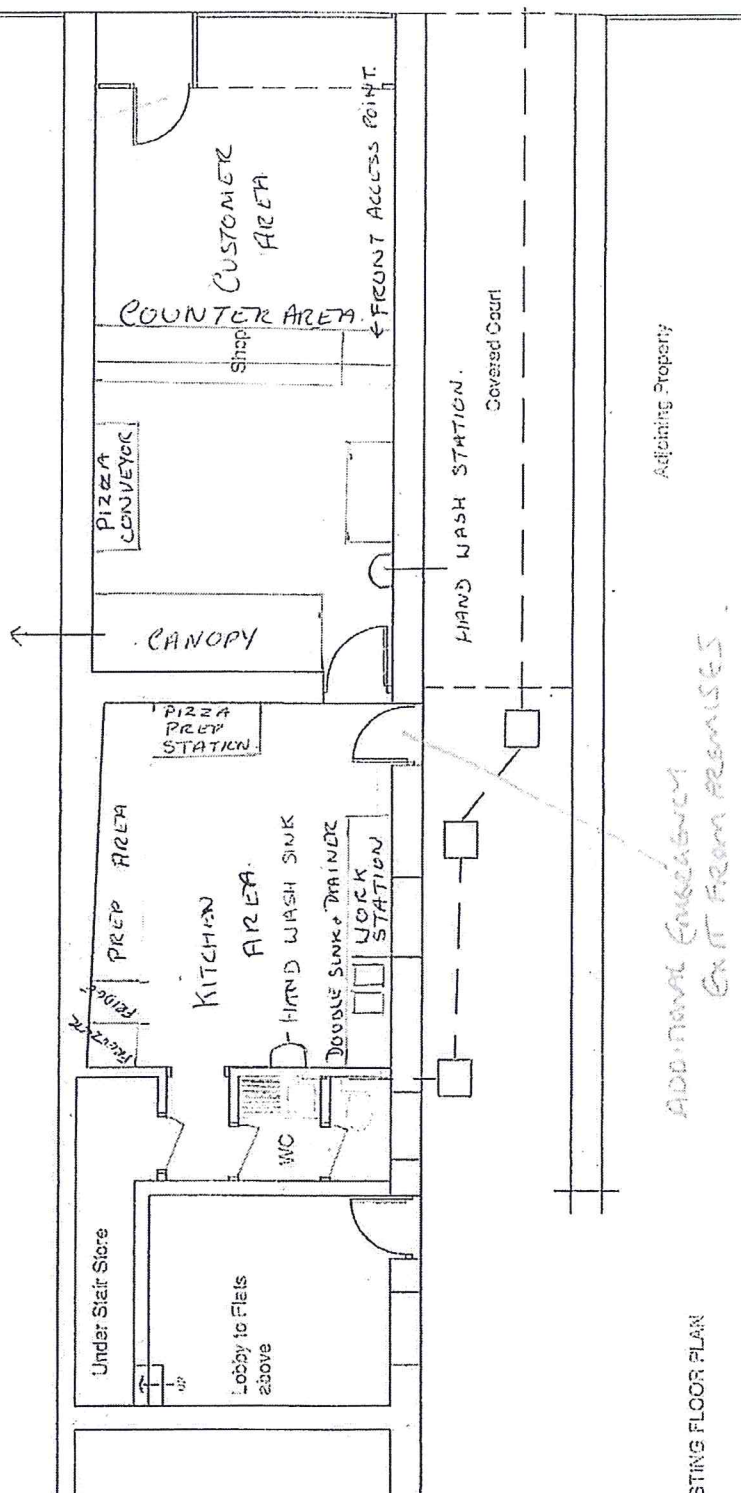


EXISTING ELEVATION

SCREEN & EXIT
TO PREMISES

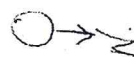
EXTRACTOR CANOPY OVER

GRIDDLE, FRYER & DONER MACHINE Adjoining Property



EXISTING FLOOR PLAN

SCALE 1:1000





MID DEVON LICENSING AUTHORITY
Licensing Act 2003

ANNEX 4

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police / Fire / Environmental Protection / Health and Safety / Child Protection / Weights and Measures / Planning Authority

Your Name	Ian Winter
Job Title	Environmental Protection Officer
Postal and email address	Mid Devon District Council Environmental Health Services Phoenix House Phoenix Lane Tiverton EX16 6PP
Contact telephone number	(01884) 255255

Name of the premises you are making a representation about	Charcoal Grill
Address of the premises you are making a representation about	27 Fore Street Cullompton Devon EX15 1JS

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	I have concerns in relation to possible anti-social behaviour taking place near to the premises. In particular involving person congregating late at night around the premises waiting for /or eating food being tempted to use the dark lane leading to Jaman's Court as a toilet, urinating and vomiting in the lane.
Public safety		
To prevent public nuisance	Yes	<p>The plans detail an extraction canopy over the cooking equipment but they fail to show the point where the extraction system exits the building. 27 Fore Street has residential properties directly above it and a number of properties to the rear. Bartlett Gooding & Weelen solicitors have been asked to clarify in greater detail the exact location of the extraction system but to date I have had no response from them. I have tried to gain the information through planning but I have found that planning permission for the change of use has not been applied for. Therefore, I have not been supplied any information on the noise levels from the extraction system.</p> <p>Due to the lack of information supplied on the extraction I'd like to raise the following objections in terms of noise</p>

		<p>nuisance:</p> <p>Due to the close proximity of a large number of residential properties I do feel that the operation of a food take away shop with a Premises licence licensed for late night refreshment will cause public nuisance by:</p> <p>Noise from the operation of the extraction system</p> <p>Odour from the operation of the extraction system</p> <p>Noise from the customers congregating around the front and side of the premises</p>
To protect children from harm		

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>Planning Permission must be sort for the change of use of the Premises and for the introduction of a extraction system before the applicant applies for a Premises Licence.</p>
--	---

Signed: Ian Winter

Date: 12th May 2017

Thomas Keating

From: Steve Reardon <enquiries@cullomptontowncouncil.gov.uk>
Sent: 02 May 2017 10:55
To: Thomas Keating; Eileen Andrews; Judy Morris; Karl Busch; Nikki Woollatt; Rosemary Berry; Terry Snow
Subject: RE: New premises licence application - Charcoal Grill

Hi Tom

The council considered this licensing application last Thursday. After consideration of the application and representations from members of the public, it makes the following objection:

Recommend refusal on the grounds that antisocial behaviour will be relocated to a more residential area of Fore Street with associated increase to public nuisance, there is a risk to public safety in that the food hygiene rating at the existing Charcoal Grill is poor. There will be a public nuisance in that noise fumes from a fast food outlet at this location will be exhausted into a largely residential area and the public's safety will be put at risk by the building not having a sufficient fire exit to the rear.

Yours

Steve Reardon
 Assistant Town Clerk
 Cullompton Town Council

Email:
enquiries@cullomptontowncouncil.gov.uk

Telephone:
 01884 38249

This email and any files transmitted with it are intended solely for the person to whom it is addressed. Access to this message by any other person is not permitted. It may be confidential and also legally privileged. If you are not the intended recipient, please notify the sender at once and delete the message from your systems. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful.

Senders and recipients should be aware that emails and their contents may have to be disclosed in response to a request made under UK Data Protection and Freedom of Information legislation.

This email message has been scanned for the presence of computer viruses. However, Cullompton Town Council does not accept any liability for any corruption, interception, amendment, tampering or viruses occurring to this message. The recipient should check this email and any attachments for the presence of viruses.

Cullompton Town Council
 Town Hall
 1 High Street
 Cullompton
 Devon
 EX15 1AB

From: Thomas Keating [<mailto:tkeating@middevon.gov.uk>]
Sent: 21 April 2017 11:59
To: Judy Morris; Steve Reardon
Subject: New premises licence application - Charcoal Grill

Dear Steve

Please find attached the application and plan. Please be aware that the final date for representations is 12 May 2017.

Kind regards

Tom Keating | Lead Licensing Officer | Mid Devon District Council | Phoenix House | Phoenix Lane | Tiverton | EX16 6PP
Licensing Team telephone numbers: 01884 244617/8/9 | Switchboard: 01884 255255 | Email: licensing@middevon.gov.uk |
Website: www.middevon.gov.uk



[Like us on Facebook](#)



[Follow us on Twitter](#)

Do you really need to print this? Please stay **Green** and leave it on the screen!

Mid Devon Licensing Authority
Licensing Act 2003

REPRESENTATION FORM



This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	MR AND MRS ROBERT OGLE
Organisation name/name of body you represent (if appropriate) (see note 3)	—
Postal and email address	OASIS, JARMANS COURT, FORE STREET CULLOMPTON EX15 1SS
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	CHARCOAL GRILL MR CAKIR SEN
Address of the premises you are making a representation about. (TO BE)	27 FORE STREET, CULLOMPTON

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	PLEASE SEE ATTACHED REPRESENTATIONS (1)
Public safety	YES	(2) ✓
To prevent public nuisance	YES	(3) ✓
To protect children from harm	YES	(4) ✓

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	
--	--

Signed:

[REDACTED]

Date: 30/4/2017

Please see notes on reverse

[REDACTED]

1. To prevent Crime and Disorder

We DISAGREE with the proposed late night opening hours, advertised in the Notice as basically 2300 opening, and closing as late as 0100 at weekends, but is this not in addition to present hours? The Charcoal Grill does not advertise its Trading Hours but is usually open about 4.30 pm and regularly stays open well after midnight, perhaps in excess of Licensed hours, so just when would they close. Much later based on present form.

Such very late takeaways would be a magnet to rowdy night owls from miles around, with obvious risks of increasing unruly, antisocial behaviour.

The Applicants lawyers have obviously foreseen this as they stress in their supporting comments just how the staff will be trained to deal with late night drunks.

On OUR doorstep! And on land WE own!

Litter is now a crime. Every single item bought from this proposed takeaway will be brought out of the shop wrapped or bottled. Obviously, after consumption, most will just be left on the pavement. Having a bin outside the Charcoal Grill will make little difference, to the volume of plastic and polystyrene trays deposited elsewhere.

We are reliably informed (but I must hesitate to mention, that the late night staff are Turkish and that Work Permits are questionable it seems.

Finally, the long dark covered entrance to Jarmans Court, alongside the proposed takeaway, would become an obvious place to consume the late night delicacies, and to dispose of the wrappings. Expect litter, streaks and puddles of urine, as now but more, vomit and worse. And the urine is not just the men!

So expect drunken, threatening behaviour, obviously

2. Public Safety

Forget the kebab customers (whose safety may be somewhat at risk as Charcoal Grill scored 1/5 in the 2016 MDDC Hygeine ratings) it's the RESIDENTS of Jarmans Court and thereabouts at risk!

The local Police say we must not worry, just ring 101 and any 'little scuffle' will be sorted. As it took us four days, an email and four phone calls each of over thirty minutes before we could even make contact with the local Police, this is hardly an option if you have a fight going on in your front garden and someone rattling the door.

There is no lighting under the long, dark covered entrance to Jarmans Court.

There are no plans for public toilets at the proposed Charcoal Grill late night takeaway.

It is obviously frightening for a couple in their mid seventies to hear that a very near neighbour was set upon recently by a couple of louts when he opened his front door late at night to say good night to a visiting friend. This was not reported to the local Police for the same reasons as above.

Obviously we must be expected to have to live with this sort of threat and violence if MDDC condone the relocation of the Charcoal Grill to our residential Court.

Food Hygiene. The excellent Coop staff have to carry an wheel all food deliveries down Jarmans Court to the rear of their shop. The expectation of meeting Hygeine requirements if Charcoal Grill arrives will be slight.

Joanne Pope at MDDC Environmental Health will confirm her recents efforts to surprises the very obvious RAT population in Jarmans Court. That Department, the the long suffering Coop staff will also confirm the very regular incidence of raw sewage welling up from the drains, even before the arrival of the fat laden, greasy washing up and food preparation water from the Charcoal Grill kitchens.

3. To Prevent Public Nuisance

Even now, Jarmans Court residents on shift work from time to time find cars parked in front of theirs or worse still across the entrance to Jarmans .Court in Fore Street. This involves wasting Police time in their removal. One resident has recently bought a motor bike to ensure he can always get to work! Obviously with the .Charcoal Grill dominating the entrance, this could only get worse.

The residents here get on fine. It's three owned properties and ten, I think, flats, a high density occupation rate, there is no more room for further vehicles in the Private alleyway.

Consider not only the early morning .Coop staff wheeling trollies of fresh foodstuffs over the remnants of the takeaways, the puddles of urine, perhaps vomit. And the young families leaving for Playgroup with babies and toddlers picking their way carefully past the Charcoal Gill kitchens, and their rubbish

4. Public Nuisance ? Obviously

With commercial grade kitchen extractor fans operating flat out throughout the evening and into the small hours (the Charcoal Grill itself is about eight feet long it seems) then

Noise Pollution ? Obviously. Air Pollution ? For nine or more hours at a time

My wife and I actually OWN the long straight alleyway up to Fore Street pavement. We will challenge the proposal to open up a new window from Jarmans Court to the proposed food prep room. Should the significant Change of Use from a 9 to 5 retail shop be proposed, we will examine the Rights of Way we have given to users of Jarmans Court and it goes without

saying that if the Charcoal Grill had no rear entrance, then there would be no opportunity to dispose of the rubbish and nowhere for the bins. Nor would there be a fire escape !

Referring again to the previous Representation, please consider the RATS again in that scenario.

Public Nuisance Number 1

To Protect Children from harm

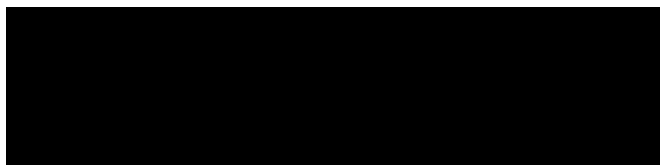
..... and add to that to protect them from lack of sleep, from Air Pollution, noise, lack of cleanliness generally and moral devaluation.

Barring the odd incident, the children of hereabouts ARE already protected from harm, being raised in a decent, fully employed little community.

Our previous Representations no's 1 to 3 clearly show the obvious degeneration of our children's childhoods we could expect.

Interestingly, the Owners of No 27 say they have five flats they own immediately adjacent to the Charcoal Grill food prep room and above the proposed takeaway area and the grill itself. Speaking to some of the tenants, they are horrified at the looming prospects and see no reason why they should remain under such changed circumstances, if allowed.

Better for the Owners to have the rental income from five flats rather than from just one poorly managed and under skilled (Hygeine Rating 1) where continuous rental income would always be a risk.



Robert and Geraldine Ogle

April 2017



27 FORD STREET, CULLOMPTON

PROPOSED NEW SITE OF THE CHARCOAL GRILL
LATE NIGHT TAKEAWAY.

ON THE LEFT IS THE COOPERATIVE

ON THE LEFT, IZZY BELLE BOUTIQUE

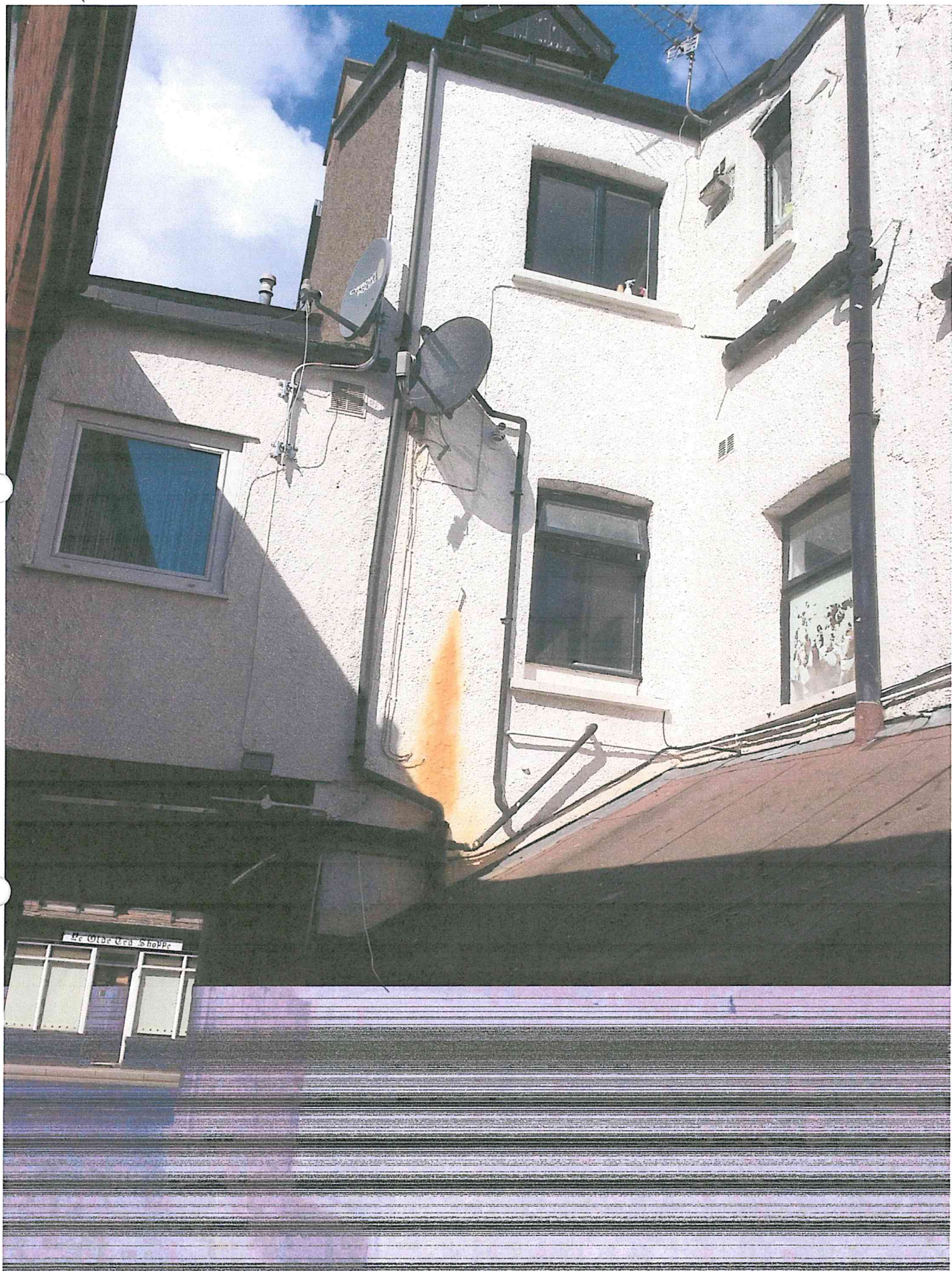
ENTRANCE TO JARMAN'S COURT ON LEFT (2m WIDE MAX!)



ENTRANCE TO JARMANS COURT FROM FORE STREET.

- THE PROPOSED TAKEAWAY WILL EXTEND BACK AS FAR AS THE RED BRICKS (ARROW)

NEIGHBOURS ARE CONCERNED THAT THIS COULD BECOME A SHELTERED PLACE FOR LATE NIGHT GATHERINGS



LOOKING FROM JARMANS COURT BACK TO FORE STREET
(WHERE YE OLDE TEA SHOPPE VISIBLE) ALL THESE FLATS HAVE
PRE SCHOOL CHILDREN.



JARMAN'S COURT TOWARDS FORE STREET SHOWS FIVE MORE FLATS, TWO MORE FAMILIES WITH CHILDREN, AND THE LENGTH OF THE PROPOSED TAKEAWAY.

This page is intentionally left blank

OASIS

JARMANS COURT

FORE STREET

CULLOMPTON EX15 1SS

[REDACTED]

MR THOMAS KIERNEY
LICENSING OFFICER
MDC, TIVERTON

DEAR MR KIERNEY

LICENSING APPLICATION 'THE CHARCOAL GRILL'
27 FORE STREET
CULLOMPTON

FURTHER TO PREVIOUS CORRESPONDENCE, I NOW ENCLOSE
THE RESULTS OF A PETITION OF SOME 60 SIGNATURES, ALMOST
ALL OF WHOM LIVE OR WORK IN THE IMMEDIATE VICINITY OF
THE PROPOSED LATE NIGHT TAKEAWAY.

ONLY 3 PEOPLE DECIDED NOT TO SIGN THE PETITION.

PLEASE ENCLOSE THIS WITH THE REPRESENTATION AND
PHOTOS ALREADY WITH YOU. MANY THANKS

YOURS SINCERELY

[REDACTED]

MR AND MRS ROBERT OGLE



PETITION REGARDINGAPPLICATION FOR CHANGE OF LICENSE AND PLANNING FOR THECHARCOAL GRILLAT27 FORE STREET, CULLOMPTON

I SIGN MY NAME BELOW TO ASK MDDC TO REFUSE THIS LICENSING AND PLANNING APPLICATION AND FOR THE OWNERS OF 27 FORE STREET, CULLOMPTON, TO REFUSE TO ISSUE A TENANCY AGREEMENT TO THE CHARCOAL GRILL.

THIS TAKEAWAY WILL BE TRADING INTO THE EARLY HOURS OF THE MORNING
AND SHOULD NOT BE ALLOWED IN A RESIDENTIAL AREA

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
ROBERT OGLE	OASIS, JARMANS COURT EX15 1JS	[REDACTED]
Holly McManus	5 Jarmans court EX15 1JS	[REDACTED]
Melanie Endicott	12 St Andrews Estate EX15 1HX	[REDACTED]
Richard Prestley	29 Fore Street, Cullompton EX15 1JS	[REDACTED]
Hazel Vinnicombe	50, South Lane Rd. Cull. EX15 1HT	[REDACTED]
SHARON PARRY	Cully Pet Shop 31 FORE STREET EX15 1JS	[REDACTED]
GAIL JONES		[REDACTED]
Carly Appleby	18 Raleigh Drive Cullompton EX15 1FT	[REDACTED]
Hannah Winter	3 Cockpit Hill, Cullompton EX15 1DF	[REDACTED]
Rachel Cozens	63 St Andrews Estate Cullompton	[REDACTED]
KEVIN BEND	4 DOLPHIN COURT	[REDACTED]
TIM STOCKLEY	THE WAREHOUSE SHORTLANDS LANE	[REDACTED]
Cara Brameld	28 Fore Street, Cullompton EX15 1SA	[REDACTED]
Vivienne Mary Mottish	15 Roberts Chs Cullompton EX15 1QA	[REDACTED]
EDWARD ROSE	5. CROW BRIDGE PARK. EX15 1BA	[REDACTED]
DALL ROSE	20 Fore St Cullompton EX15 1SL	[REDACTED]

PETITION REGARDING

APPLICATION FOR CHANGE OF LICENSE AND PLANNING FOR THE

CHARCOAL GRILL

AT

27 FORE STREET, CULLOMPTON

I SIGN MY NAME BELOW TO ASK MDDC TO REFUSE THIS LICENSING AND PLANNING APPLICATION AND FOR THE OWNERS OF 27 FORE STREET, CULLOMPTON, TO REFUSE TO ISSUE A TENANCY AGREEMENT TO THE CHARCOAL GRILL.

THIS TAKEAWAY WILL BE TRADING INTO THE EARLY HOURS OF THE MORNING
AND SHOULD NOT BE ALLOWED IN A RESIDENTIAL AREA

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Lawrence Catchpole	55 Dorman's Court, EX15 1JS	
Josh McEARRON	40 Hight Street	
KEN WINTER	3 COCKPIT HILL	
Luke Winter	56 Rathleigh Drive	
DERICK SHARPE	33 HILL ST	
KARL NEWELL	11 ORCHARD WAY	
MAT NEWELL	2 DOLPHIN COURT	
LINDA CUDE	48, FAIRFAX DRIVE	
MALCOLM CLARK	COURT DRIVE	
Kieran Burt	19 Postland Street	
AND + TOM WARREN	14 Manning Avenue	
Sharon Smith	43 Victoria Close	
Chris Smith	2 Seals Church	

PETITION REGARDING
APPLICATION FOR CHANGE OF LICENSE AND PLANNING FOR THE
CHARCOAL GRILL

AT
27 FORE STREET, CULLOMPTON

I SIGN MY NAME BELOW TO ASK MDDC TO REFUSE THIS LICENSING AND PLANNING APPLICATION AND FOR THE OWNERS OF 27 FORE STREET, CULLOMPTON, TO REFUSE TO ISSUE A TENANCY AGREEMENT TO THE CHARCOAL GRILL.

**THIS TAKEAWAY WILL BE TRADING INTO THE EARLY HOURS OF THE MORNING
AND SHOULD NOT BE ALLOWED IN A RESIDENTIAL AREA**

NAME

ADDRESS

SIGNATURE

Micha

FLAT 3, JARMAN'S COURT

[REDACTED]

Lewis Berry

S Jarmans Court, Cullompton

[REDACTED]

Robyn Wellesley

Flat 1, 1 Jarmans Court, Cullompton

Jake Alford

"

"

"

S

Mark Broom

First Floor Flat 23-25 Fore Street, Cullompton

PETITION REGARDING
APPLICATION FOR CHANGE OF LICENSE AND PLANNING FOR THE
CHARCOAL GRILL

AT

27 FORE STREET, CULLOMPTON

I SIGN MY NAME BELOW TO ASK MDDC TO REFUSE THIS LICENSING AND PLANNING
APPLICATION AND FOR THE OWNERS OF 27 FORE STREET, CULLOMPTON, TO
REFUSE TO ISSUE A TENANCY AGREEMENT TO THE CHARCOAL GRILL.

**THIS TAKEAWAY WILL BE TRADING INTO THE EARLY HOURS OF THE MORNING
AND SHOULD NOT BE ALLOWED IN A RESIDENTIAL AREA**

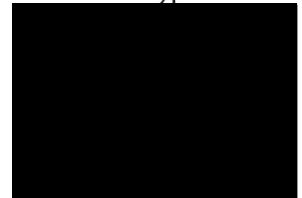
NAME

ADDRESS

SIGNATURE

Mrs G M Priestley
MRS G M PRIESTLEY

29 Fore Street, Cullompton.



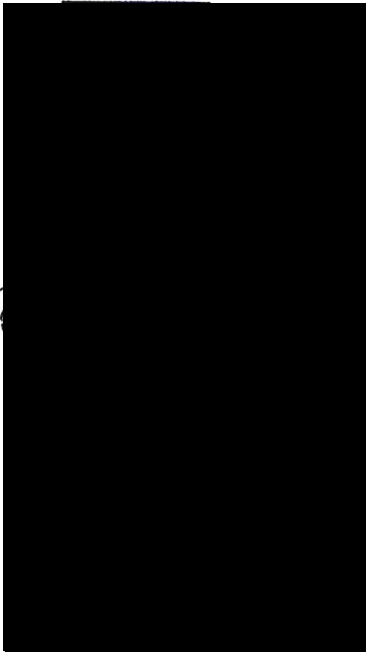
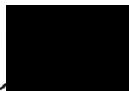
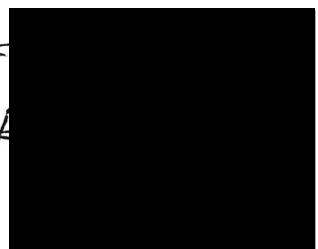
PETITION REGARDING
APPLICATION FOR CHANGE OF LICENSE AND PLANNING FOR THE
CHARCOAL GRILL

AT

27 FORE STREET, CULLOMPTON

I SIGN MY NAME BELOW TO ASK MDDC TO REFUSE THIS LICENSING AND PLANNING
APPLICATION AND FOR THE OWNERS OF 27 FORE STREET, CULLOMPTON, TO
REFUSE TO ISSUE A TENANCY AGREEMENT TO THE CHARCOAL GRILL.

THIS TAKEAWAY WILL BE TRADING INTO THE EARLY HOURS OF THE MORNING
AND SHOULD NOT BE ALLOWED IN A RESIDENTIAL AREA

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
AMIN PARISI	39. Fore street EX 151JS	
P BRADLEY	35 FORE ST EX 151JS	
OLGA GRIGORJEVA	37 FORE ST EX 151JS	
DAINIUS SIMKUS RUTA KVIETKAUSKIENE PETRAS KVIETKAUSKAS	38A Fore street EX 151JS	
Jurgita Beivydiene	39c Fore street EX 151JS	
RIMA SIAURUSĖVICIŪTĖ	37 FORE STREET EX 151JS CULLOMPTON	
Trudy Nelson	41 Fore street EX 151JS Shop	
Olmana Rodaviciene	41 Fore street	

PETITION REGARDING
APPLICATION FOR CHANGE OF LICENSE AND PLANNING FOR THE
CHARCOAL GRILL

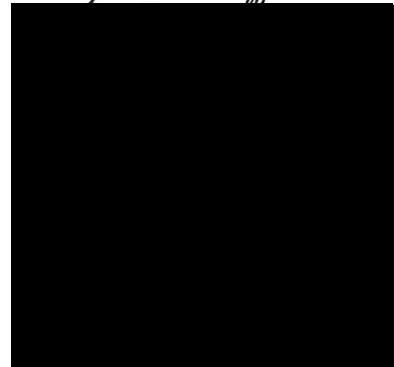
AT
27 FORE STREET, CULLOMPTON

I SIGN MY NAME BELOW TO ASK MDDC TO REFUSE THIS LICENSING AND PLANNING
APPLICATION AND FOR THE OWNERS OF 27 FORE STREET, CULLOMPTON, TO
REFUSE TO ISSUE A TENANCY AGREEMENT TO THE CHARCOAL GRILL.

**THIS TAKEAWAY WILL BE TRADING INTO THE EARLY HOURS OF THE MORNING
AND SHOULD NOT BE ALLOWED IN A RESIDENTIAL AREA**

NAME	ADDRESS
B Carroll	2 Appleton Close.
J. ABRAMAMS	Cullompton
E. Pung	CULLOMPTON.
A DORBERT	22 MANNING AVE
	48 FORE ST CULLOMPTON

SIGNATURE



PETITION REGARDING
APPLICATION FOR CHANGE OF LICENSE AND PLANNING FOR THE
CHARCOAL GRILL

AT
27 FORE STREET, CULLOMPTON

I SIGN MY NAME BELOW TO ASK MDDC TO REFUSE THIS LICENSING AND PLANNING
APPLICATION AND FOR THE OWNERS OF 27 FORE STREET, CULLOMPTON, TO
REFUSE TO ISSUE A TENANCY AGREEMENT TO THE CHARCOAL GRILL.

**THIS TAKEAWAY WILL BE TRADING INTO THE EARLY HOURS OF THE MORNING
AND SHOULD NOT BE ALLOWED IN A RESIDENTIAL AREA**

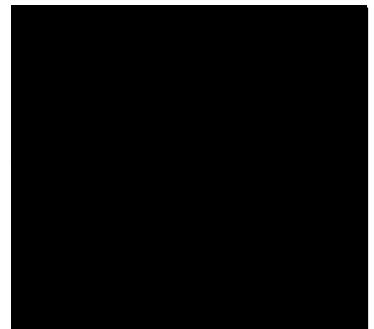
NAME

ADDRESS

SIGNATURE

CAROLINE PRING
Sarah burtin
GERALDINE OGLE
KATH ROSE.

~~SE~~ 49, ST ANDREWS
71 Shortland Rd
Oasis Tarmans Court.
20 Fore St



PETITION REGARDING
APPLICATION FOR CHANGE OF LICENSE AND PLANNING FOR THE
CHARCOAL GRILL

AT

27 FORE STREET, CULLOMPTON

I SIGN MY NAME BELOW TO ASK MDDC TO REFUSE THIS LICENSING AND PLANNING
APPLICATION AND FOR THE OWNERS OF 27 FORE STREET, CULLOMPTON, TO
REFUSE TO ISSUE A TENANCY AGREEMENT TO THE CHARCOAL GRILL.

**THIS TAKEAWAY WILL BE TRADING INTO THE EARLY HOURS OF THE MORNING
AND SHOULD NOT BE ALLOWED IN A RESIDENTIAL AREA**

NAME

ADDRESS

SIGNATURE

MR ROBERT MORRIS.	15 ROBERTS CWS	CULLOMPTON EX15 1J
MR DAVID GODFREY	22 FORE ST	CULLOMPTON EX15 1J
MRS ANOHA HEAD	CULLOMPTON	
MRS MARIANNE BATTEN	CULLOMPTON	
Betty HARKES	CULLOMPTON	
IAN SQUIRE	CULLOMPTON	
CRAIG NORMAN	CULLOMPTON	
LWIS HARKES	CULLOMPTON	

This page is intentionally left blank

Mid Devon Licensing Authority
Licensing Act 2003

REPRESENTATION FORM



This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	GEORGE MILLS
Organisation name/name of body you represent (if appropriate) (see note 3)	FREE HOLDER OF TWO PROPERTIES IN FORE STREET.
Postal and email address	THE COURTYARD EXETER ROAD SILVERTON EXETER
Contact telephone number	

Name of the premises you are making a representation about	27 FORE STREET CULLUMPTON
Address of the premises you are making a representation about.	

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	LATE NIGHT DRINKING HAS CAUSED NUMEROUS INCIDENTS - BROKEN SHOP WINDOWS AND FIGHTS - THIS LICENCE WILL ADD TO THE PROBLEM
Public safety		
To prevent public nuisance	YES	THERE IS A CONSTANT BATTLE WITH LITTER AND DISCARDED FOOD - ALSO ALLEYWAYS AND DOORWAYS ARE REGULARLY USED AS TOILETS
To protect children from harm		THERE ARE RESIDENTIAL FLATS OVER THE SHOPS AND SOME HAVE CHILDREN WHOSE SLEEP GETS DISTURBED BY LATE NIGHT NOISE

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **	NO OPENING AFTER 11 PM
---	------------------------

Signed:

[Redacted Signature]

Date:

24 - April 2017

Please see notes on reverse

Mid Devon Licensing Authority
Licensing Act 2003

REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	MR P BRADLEY
Organisation name/name of body you represent (if appropriate) (see note 3)	LOCAL RESIDENT OIN
Postal and email address	35A FOREST STREET COLLUMPTON EX15 1JS
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	CHARD GRILL
Address of the premises you are making a representation about.	27 FOREST COLLUMPTON EX15 1JS

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	WE SEEN MANY OF THE FIGHTS EARLY MORNING & LOTS OF FOOD WASTE & PACKAGING OUTSIDE MY HM
Public safety	YES	I HAVE TO LOOK OUT FOR MY NEIGHS COMING BACK LATE AT NIGHT TRYING TO MISS THE DRUNKS OFFERING
To prevent public nuisance	YES	YOU NEED TO SIT IN MY HOME CHIPS TO LISTEN TO ALL THE NOISE OF THE FIGHTS & SCARING THAT GOES ON TIL 23
To protect children from harm	YES	MY CHILDREN STAY AWAY FROM MY AM HOME DUE TO ALL THAT GOES ON IN THE STREET TIL THE EARLY HOURS

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **	AS A RESIDENT I FEEL WE DON'T NEED 2 SHOPS WITH A LATE LICENCE DOUBLE THE TROUBLE MY NEIGHBOUR ARE 82/90 & ARE SCARED THAT EVERY WEEKEND THEY FIND IT HARD TO SLEEP
---	---

Signed: [REDACTED]

Date: 11/5/17

Please see notes on reverse

Mid Devon Licensing Authority
Licensing Act 2003

REPRESENTATION FORM



This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	MR RICHARD, MRS GIALIAN, MR PENNY, MR LOWELL PRIESTLEY
Organisation name/name of body you represent (if appropriate) (see note 3)	THE PRIESTLEY HOUSEHOLD.
Postal and email address	29 FORE STREET CULLOMPTON
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	THE CHARCOAL GRILL
Address of the premises you are making a representation about.	27 FORE STREET, CULLOMPTON

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	
Public safety	YES	
To prevent public nuisance	YES	
To protect children from harm		

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	FORE STREET IS A CONSERVATION AREA AND SHOULD REMAIN A PRIMARY SHOPPING ZONE TAKEAWAYS DO NOT BRING VISITORS OR TRADE DURING THE NORMAL DAYTIME TRADING HOURS.
--	--

Signed:

Date: 8.5.2017

Please see

① To Prevent Crime & Disorder.

We would like to draw attention to the level of wanton violence and damage to property, particularly smashed windows that Fore Street is currently experiencing. This application, we feel, would increase the likelihood of such behaviour by reason of an encouragement for more alcohol to be consumed before partaking in takeaway food. Next to number 27 is Jarmans Court, a private driveway, and we worry that a takeaway at the end of it would encourage people to loiter late at night in an unlit area where numerous cars ^{parked} by the residents would be more at risk of damage and theft. This is already a serious issue.

② PUBLIC SAFETY.

WE FEEL THAT THIS AREA OF FORE STREET IS PARTICULARLY BLIGHTED BY HOLD UPS OF TRAFFIC DUE TO EITHER LEGALLY USING THE THE LOADING BAY OR ILLEGALLY PARKING OF CARS FOR VARIOUS PURPOSES.

THE AFOREMENTIONED JARMANS COURT IS ROUTINELY BLOCKED BY CARS PARKING OVER IT. AND.

HAVING GROUPS OF PEOPLE OUTSIDE ON THE PAVEMENT SEVERELY LIMITS THE DRIVERS VISION TO SAFELY PULL IN AND OUT.

3) To PREVENT PUBLIC NUISANCE,

LOADING BAY IS IMMEDIATELY OUTSIDE OF 27 AND 29 FORE STREET, WITH DAILY DELIVERIES TO THE CO-OP AT 11.25. OCCURRING AT 6AM.

RESIDENTS SHOULD HAVE THE RIGHT TO SLEEP.

LITTER IS FREQUENTLY DROPPED THEN KICKED ALONG THE PAVEMENT FROM THE EXISTING PREMISES SO WOULD ONLY INCREASE.

BOTH ROWES COURT ALONGSIDE 29 (PRIVATELY OWNED BY THE RESIDENTS) AND SARMAN'S COURT ARE CONSTANTLY USED AS TOILETS BY BOTH MALES AND FEMALES.

BEING AWOKEN BY PEOPLE IN A DRUNKEN STATE URINATING IN YOUR DOORWAY ~~IS~~ WHILST TALKING AND SWEARING IN LOUD VOICES IS A VERY UNPLEASANT DISTURBING EXPERIENCE, ANY REQUEST TO STOP IS MET WITH VERBAL AND SADLY PHYSICAL ABUSE.

WE FEEL THE SMELL FROM A TAKEAWAY WOULD PERMEATE THROUGHOUT OUR HOME, THE PLAN APPEARS TO SHOW A CANOPY OVER THE COOKERS VERY NEAR TO AN OLD CHIMNEY STACK. THIS BUILDING IS ATTACHED TO 27 AND ~~WHILST~~ EXACT DATE OF BUILDING IS NOT CLEAR IT IS CERTAINLY MORE THAN THREE HUNDRED YEARS OLD. NO INSULATION DOES NOT MEET THE CURRENT STANDARD AS IN NEW BUILDS. DRAINS ARE CONTINUALLY BEING BLOCKED AND FATS DISPOSED WOULD MAKE THIS WORSE IN SARMAN'S COURT. ^{TRADE} RUBBISH COLLECTIONS ARE ONLY ONCE A WEEK, DOMESTIC ONCE A FORTNIGHT SO COULD ESCALATE A PROBLEM WITH VERMIN.

**Mid Devon Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	Judith Merritt
Organisation name/name of body you represent (if appropriate) (see note 3)	Owner of Property in Jarmans Court
Postal and email address	3 Jarman's Court, Fore Street, Cullompton Devon EX15 1JS
Contact telephone number	

Name of the premises you are making a representation about	Charcoal Grill
Address of the premises you are making a representation about.	27 Fore Street, Cullompton, Devon EX15 1JS

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	See attached sheet
Public safety	Yes	See attached sheet
To prevent public nuisance	Yes	See attached sheet
To protect children from harm	Yes	See attached sheet

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	This is an unsuitable location for this food outlet and an alternative needs to be sourced in the town. My concerns are not unique to the Charcoal Grill they would be identical for any business applying to offer food to the public out of these premises. Some premises are just not suitable for this type of conversion and this is one of those.
---	--

Signed: Judith Merritt

Date: 11 May 2017

Please see notes on reverse

NOTES

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.
2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
6. Please return this form when completed to:

Mid Devon Licensing Authority
Phoenix House
Phoenix Lane
Tiverton
Devon EX16 6PP

Tel: 01884 244617/8/9

Email: licensing@middevon.gov.uk

Licensing Act 2003 – Notice of application

Name of applicant: Cakir Sen

Premises name: Charcoal Grill

Address of premises: 27 Fore Street, Cullompton, Devon EX15

1JS Type of application: New

Description of application: Late night refreshment

- **The prevention of crime and disorder**
- CCTV – not show on layout plan- needs to be used in line with legislation and cover all areas.

How do you train staff to ask customers to leave in orderly & respectful manner – people ignore signs on walls

Public safety

- Rubbish Clearance
- Waste & rubbish blowing into Jarmans Court
- Green Waste?
- Environmental – Recycling waste
- Waste location not shown on Plan layout
- Licensee to ensure staff access and egress to areas- which door will be used?
- Smoking – where, fire risk, what provision will be made?
- Drainage – already a problem with intermittent blocking due to size and old pipework.
Oils etc. to be disposed of – where?
- Sink Waste – Drain inspection to ensure that drains are capable of capacity of extra industrial waste.
- The introduction of food waste in close residential proximity will encourage vermin in Rose Court & Jarmans Court both of which are residential areas of the town.
- Review of all schedules/procedures, staff training/policies to confirm they are inline with legislation.
- Internal/ External lighting where?
- Trained Staff to environmental Health requirements- what is the procedure?
- Logbook recording system is that not a H&S environmental requirement anyway?
- All fittings within premises in good order, what legislation?

The prevention of public nuisance

- Urine in the alley way under the covered way entrance of Jarmans Court – how would they prevent this?
- Vomit in same (as above) how would they prevent this (make arrangements for cleaning up)
- If waste bins left in alley way how is access in and out for cars going to be maintained – can't reverse due to congestion on high street (main road)
- How are you going to maintain clear access for Jarmans Court at all times? Deliveries carried out at what time and to which door...not a nuisance! - When? Times (White Line on road) Customers collecting orders and parking over line.
- Adequate waste receptacles for use by customers – not shown on layout plan
- Bin store used after 2300 – how will this reduce noise your proposal is to shut at 0100?
- Parking of Charcoal Grill delivery vehicles when not in use – where?
- Parking of customer vehicles 2pm onwards?
- Most of the business will be conducted between the hours of 2100 – 0100 how will this not be a nuisance to residence?
- Congregation of people under covered area of entrance to Jarmans Court especially in bad/cold weather – Noise & safety (gap too narrow for person and vehicle alongside)
- Extraction outlet not shown on plan layout, where is this to be situated – Smell, Windows, Noise there is no rear access to this property

The protection of children from harm

- Stop Children after 2100 – How?

Mid Devon Licensing Authority
Licensing Act 2003



REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	Trudi Nelson T/A
Organisation name/name of body you represent (if appropriate) (see note 3)	Cullompton Photographic
Postal and email address	41 Fore street cullompton Devon EX15 1TS (Shop)
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Charcoal Grill
Address of the premises you are making a representation about.	27 Fore street Cullompton Devon EX15 1JS

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	Braking windows by a late night customers fighting.
Public safety	Yes	Broken glass Someone being followed by drunks
To prevent public nuisance	Yes	Noise Late night early morning Dis food containers have eaten food and chips and salads in a doorway on a pathway.
To protect children from harm	Yes	I have 2 children hary and Emily so young to be out that time but there sleep interrupted on saturdays and Fridays or if there is a football game on.

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **	All it takes for bad guys to win is that the good guys do nothing. I trust you to take correct Disssion sorry I have damaged my fingers in a car door
---	---

Signed: [REDACTED]

Date: 6.5.14

Please see notes on reverse



Mid Devon Licensing Authority
Licensing Act 2003

REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	Amin Faridi
Organisation name/name of body you represent (if appropriate) (see note 3)	my self M.L.P
Postal and email address	39 Fore Street Cullampton Devon EX15 1JS
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Charcoal grill
Address of the premises you are making a representation about.	Charcoal Grill 27 Fore Street Cullampton EX15 1JS

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	yes	I have 14 years of recording of Police vans + cars + dogs vans out side late night
Public safety	yes	early morning Drunks + glow Bottles in their hands facing each other. warning if you have windows or car!
To prevent public nuisance	yes	Noise - Disorder - Verminating in door steps - Polystyrene containers all over. have eaten Burgers - Provoking the Residents
To protect children from harm	yes	Not seen ANY children early morning in street. But Broken Bottles are there until morning

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **	Remedy on yes, Please Pay off Broken windows, I had 4 in 39 41, had 3 Broken windows. 37. Had 2 front windows and one front door Broken
---	---

Signed: [REDACTED]

Date: 10-05-17

Please see notes on reverse

MID DEVON DISTRICT COUNCIL – LICENSING COMMITTEE

Protocol and Procedure for Licensing Sub-Committee Hearings

1.0 Introduction

- 1.1 The role of the Sub-Committee is to determine Applications / Notices in an impartial manner in accordance with the relevant provisions of the Licensing Act 2003, national guidance and the Council's Policies.

2.0 Composition of Sub-Committee

- 2.1 The Sub-Committee shall usually consist of three Councillors drawn on a "panel" basis from the membership of the Licensing Committee.
- 2.2 In forming the Membership of the Licensing Sub-Committee for a hearing, and where Councillors availability permits, Members Services shall try to ensure that:

- There are at least two experienced Members in attendance
- Rotation of Membership

'Experienced' is defined as having previously taken part in two separate hearings.

- 2.3 Members may sit on a Hearing which relates to their own Ward as long as there is no conflict of interest 'and any relevant declarations are made at the beginning of the meeting.
- 2.4 The Chairman for a Hearing shall be selected from the Members that form the Sub-Committee.
- 2.5 When unforeseen circumstances require, or an urgent matter has arisen, the Sub-Committee may be made up of two Councillors as opposed to three.

3.0 Hearings to be held in public

- 3.1 Licensing Hearings shall take place in public. However, the Sub-Committee may exclude the public (including a party to the hearing) from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 3.2 The Sub-Committee may require any person attending the hearing who is in their opinion behaving in a disruptive manner to leave the hearing and may:
- a) refuse to permit that person to return, or

- b) permit him/her to return only on such conditions as the Sub-Committee may specify,

but such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

4.0 Time of Hearings

- 4.1 Hearings of the Licensing Sub-Committee shall usually be held at the Council Offices during the day.

5.0 Notice of Hearing

- 5.1 The Licensing Authority shall give parties to the Hearing a notice stating the date, time and place where the Hearing is to be held. This is the 'Notice of Hearing' and must be given in accordance with the provisions of the regulations.
- 5.2 The Notice of Hearing shall be accompanied by information regarding the following:
 - a) the rights of a party provided for in regulations 15 and 16 of the Licensing Act 2003 (Hearings) Regulations 2005
 - b) the consequences if a party does not attend or is not represented at the Hearing
 - c) the procedure to be followed at the hearing; and
 - d) any particular points on which the Licensing Authority considers that it will want clarification from a party at the hearing.
- 5.3 Each party shall respond to the Notice of Hearing within the time prescribed by regulations which shall be stated on the Notice itself. The response must state:
 - a) whether he/she intends to attend or be represented at the hearing;
 - b) whether he/she considers a hearing to be unnecessary

6.0 Right of Attendance, Assistance and Representation

- 6.1 Subject to paragraphs 3.1 and 3.2, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. A party may be assisted or represented by their Ward Councillor. Any Councillor undertaking such a role would not take part in the determination of the matter before the Sub-Committee.

7.0 Hearings held on more than one day

- 7.1 When a hearing is to be held on more than one day, the hearing must be arranged to take place on consecutive working days.

8.0 Right to dispense with a hearing

- 8.1 If all parties agree that a hearing is unnecessary, then with the agreement of the Licensing Authority, the hearing may be dispensed with.

9.0 Right to postpone or adjourn a hearing

- 9.1 The Sub-Committee may postpone or adjourn a hearing where it considers this to be necessary for its consideration of any representations or notice made by a party.

10.0 Report

- 10.1 A report prepared by the Licensing Authority will be put before the Sub-Committee.
- 10.2 A copy of the report will be made available to all parties in advance of the hearing.

11.0 Detailed Procedural notes

- 11.1 Detailed procedural notes for the most regularly heard hearings are available and will be circulated in advance of the relevant hearing. These procedural notes cover the following applications / notices:

- New Premises Licence / Variation of existing Premises Licence (or Club Premises Certificate)
- Temporary Event Notices
- Review of a Premises Licence or Club Premises Certificate

12.0 Procedure at hearing - General

- 12.1 At the beginning of the hearing, the Chairman and members of the Sub-Committee will introduce themselves, invite parties to identify / introduce themselves and then explain the procedure that the Sub-Committee intends to follow.
- 12.2 If applicable, the Sub-Committee will then consider any request made by a party for any other person to appear at the hearing. Permission shall not be unreasonably withheld.
- 12.3 Where the written evidence or information provided by the applicant or any other party has raised legal issues or submissions, the Chairman may request that any legal

representatives present at the hearing and the legal representative of the authority address the Sub-Committee on the legal points raised.

- 12.4 The hearing shall take the form of a discussion led by the Sub-Committee on any matter that is relevant to the application, notice or review.
- 12.5 The Chairman should indicate that members of the Sub-Committee have read the circulated papers; therefore there is no need for parties to repeat points that have already been made in representations.
- 12.6 In circumstances where there are a number of parties who wish to make the same or similar representations the nomination of a single spokesperson will usually be encouraged, and would normally be expected. This does not prevent those who have made representations from speaking during the hearing.
- 12.7 Applicants and other parties will not usually be given a time limit to present their application / representations but the Sub-Committee may stop them should they begin to repeat themselves or straying from what is considered to be relevant matters.
- 12.8 In considering any representations or notice made by a party the Sub-Committee may take into account documentary or other information produced by a party either before the hearing or, with the consent of all other parties, at the hearing. A party introducing documentary evidence at a hearing should bring sufficient copies for all other parties and the Sub-Committee.
- 12.9 Members of the Sub-Committee may ask any question of any party or other person appearing at the hearing.
- 12.10 The Sub-Committee will disregard any information given by a party that is not relevant to the application, notice or representations made.
- 12.11 Parties may question any other party if permission is given by the Sub-Committee. Cross examination will not be allowed unless the Sub-Committee considers that it is required for it to consider the representations, application or notice as the case may require.
- 12.12 Hearsay evidence is admissible but consideration will always be given to the weight, if any, to be attached to such evidence, depending on the circumstances in which it arises.

13.0 Roles of Officers

Representative of Legal Services

- 13.1 The role of the representative of Legal Services will be to deal with any questions of law, matters of practice and procedure and where appropriate assist the Sub-Committee in formulating the reasons for its decision. They may ask questions of parties and witnesses in order to clarify the evidence and any issues in the case.

Representative of Member Services

- 13.2 The role of the representative of Member Services will be to make a record of the proceedings both by way of notes of the evidence / information given and a minute of the decision reached, inclusive of the reasons for the decision.

Licensing Officer

- 13.3 The role of the Licensing Officer will be to introduce the application / notice, outline the relevant facts and any issues involved through the presentation of their report.

14.0 Determination of Applications / Notices

- 14.1 Unless the matter being considered by the Sub-Committee falls within one of the categories listed in point 14.2, the Sub-Committee has five working days to make their determination beginning with the day, or the last day, on which the hearing was held.
- 14.2 In relation to the following matters, the Sub-Committee must make its decision at the conclusion of the hearing:
- a) A counter notice following an objection to a temporary event notice
 - b) Review of a premises premises licence following closure order

15.0 Record of proceedings

- 15.1 A record of the hearing shall be made by authority and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the record must be kept for six years from the date of disposal of the appeal. The authority may also record the proceeding through audio tape.

16.0 Appeals

- 16.1 Either those who have made an application or those who have made a representation on an application may have the right to appeal the authorities decision to the Magistrates Court.

- 16.2 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the licensing authority of their decision.

17.0 Irregularities

- 17.1 Proceedings will not be rendered void only as a result of failure to comply with any provision of the Hearing Regulations.
- 17.2 Where the authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearing Regulations, it will take such steps, as it thinks fit to cure the irregularity, before reaching its determination.
- 17.3 Clerical mistakes in any document recording a determination of the authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the authority.

The following information and procedures are associated with this document

Legislation

- The Licensing Act 2003 (Hearings) Regulations 2005:
 - http://www.legislation.gov.uk/uksi/2005/44/pdfs/uksi_20050044_en.pdf

Hearing Procedures

- New premises licence application (attached)

Hearing Guidance

- General guidance to attendees (attached)

HEARING PROCEDURE: NEW PREMISES LICENCE APPLICATION

Introduction and Preliminary remarks

1. The following parties will introduce themselves:
 - The Chairman of the Sub-Committee
 - Members of the Sub-Committee
 - Council Officers (legal advisor, member services officer and licensing officer)
2. The Chairman will ask for any declarations of interest.
3. The Chairman will announce if the hearing is to be held in public or private session.
4. The Chairman will ask those present to introduce themselves. This will be the order in which they present their case and is as follows:
 - Applicant and any person representing or assisting them
 - Responsible Authorities that have made a relevant representation
 - Other Parties who have made a relevant representation. If a spokesperson has been appointed / nominated for a group they should be identified.
5. The Sub-Committee will consider any requests by a party for any other person to appear at the hearing. Such permission shall not be unreasonably withheld provided proper notice has been given in response to the Notice of Hearing.
6. The Chairman will confirm that members of the Sub-Committee have received and read the paperwork and as such, parties will not need to repeat verbatim what they have already submitted.
7. The Chairman will state that time limits will not be set for speakers but if it is felt that matters are being repeated or are irrelevant, they or the legal advisor may move the discussion on.

Statement by the licensing officer

8. The Chairman will ask the officer to summarise the matter under consideration and present the salient points of the report.

9. Each other party (if permitted by, and via the Chairman) may then ask questions of the licensing officer based on what they have heard. This will be in the following order:
 - Applicant
 - Responsible Authorities
 - Other Parties
 - Sub-Committee
10. The licensing officer may respond to any new issues raised.

Case for the applicant

11. The applicant (or their representative) to present case in support of the application.
12. Each other party (if permitted by, and via the Chairman) may then ask questions of the applicant (or their representative) based on what they have heard. This will be in the following order:
 - Responsible Authorities
 - Other Parties
 - Sub-Committee
13. The applicant (or their representative) may then respond to any new issues raised

Case for responsible authorities (i.e. Police, Environmental Health)

14. The representative of each responsible authority will be invited in turn to present the views of their organisation.
15. Each other party (if permitted by, and via the Chairman) may then ask questions of the representative based on what they have heard. This will be in the following order:
 - Applicant
 - Other Parties
 - Sub-Committee
16. The representative may then respond to any new issues raised.

Case for the 'other parties'

17. Those who have made representations will be invited to present their views.
18. If a spokesperson has agreed to speak on behalf of a several people, all of those he/she represents may add any further points after.
19. Each other party (if permitted by, and via the Chairman) may then ask questions of the other party based on what they have heard. This will be in the following order:
 - Applicant
 - Responsible Authorities
 - Other Parties
 - Sub-Committee
20. The other party may then respond to any new issues raised.

Discussion about conditions

21. If it appears to any party that one or more of the issues raised during the hearing could be dealt with by means of a condition attached to the licence, that person may put forward the suggestion(s) to the Chairman at this stage. All other parties are to be given an opportunity to comment and express a view on any proposed condition.

Summary

22. Any party wishing to summarise his or her views may do so, in the order in which they presented their case. This will usually be as follows:
 - Applicant
 - Responsible Authorities
 - Other Parties

The decision

23. The Sub-Committee will retire to reach a decision in private, accompanied by the Council's representatives from legal and members services.
24. Members of the Sub-Committee return. Any legal advice given in the absence of the parties will be repeated in public and all parties given an opportunity to respond before a decision is announced.

25. The Chairman to announce the Sub-Committee's decision if one has been made. This can include giving reasons (if finalised). If the Sub-Committee is minded to grant with the addition of conditions they may give the generals of the condition and the intention of them. Specific wording in line with the Sub-Committees direction may then be delegated to the Licensing Officer to prepare and send out in the decision notice.
26. The Council's legal officer will then outline the rights of appeal.
27. The decision and rights of appeal will be confirmed in writing by the licensing officer.

General guidance to attendees

RIGHTS OF A PARTY

As a party to the hearing, you are entitled to:

- Attend the hearing
- Be assisted or represented at the hearing by another person, whether or not that person is legally qualified
- Give further information in support of your application or representation in circumstances where the Licensing Authority has given you notice that clarification on a point is required
- Question any other party if given permission to do so by the Licensing Authority
- Address the Licensing Authority

FAILURE TO ATTEND THE HEARING

- If you or your representative are unable to attend the hearing, the hearing may proceed in your absence (in which case the Licensing Authority will consider the application, representation or notice made by you)
- Alternatively, the Licensing Authority may, where it is in the public interest, adjourn the hearing to another date and notify all parties

HEARING PROCEDURE

- The procedure to be followed at the hearing is contained in the document 'Protocol and Procedure for Licensing Sub-Committee Hearings'.

ADDITIONAL INFORMATION

Documents

- You may produce documents or other information in support of your application, representation or notice (as applicable) either before the hearing, or with the consent of all the other parties, at the hearing
- In considering the representations or notice made by you, the Licensing Authority may take into account any documents produced in accordance with this provision.

Submissions

- You must confine your submission at the hearing to the representations you have made within the statutory prescribed period. You may not raise new representations at the hearing.

Time

- There is no set time limit for verbal submissions at the hearing. The Chairman or Councils legal advisor may move the discussion on if you begin to repeat yourself or introduce points that are not relevant.
- Where a number of parties attending a hearing wish to make the same or similar points, the Chairman may invite parties to appoint a spokesperson (if they have not done so already). You will then be entitled to add anything you consider the spokesperson has omitted.

Disruptive behaviour

- Any person attending the hearing who is deemed by the Licensing Authority to be behaving in a disruptive manner will be required to leave the hearing.

DETERMINATION AND NOTIFICATION OF DECISION

- The Licensing Authority will try to make its decision on the same day as the hearing whenever possible
- The Licensing Authority will notify each party in writing of its determination and the rights of appeal

ADDITIONAL INFORMATION

Should you require any further information about the hearing process please contact the Licensing Authority on 01884 255255