

BABERGH DISTRICT COUNCIL

From: Head of Environment	Report Number: N134
To: Regulatory (Licensing and Appeals) Committee	Date of meeting: 17 April 2014

LICENSING ACT 2003: HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW PREMISES LICENCE – MUSSY KEBAB CATERING UNIT, CATTAWADE BRIDGE LAY-BY, BRANTHAM CO11

1. Purpose of Report

- 1.1 To report information to the Licensing and Appeals Committee to enable the determination of an application made for the GRANT of a NEW premises licence for 'Mussy Kebab' Catering Unit, sited at the Cattawade Bridge lay-by in Brantham off the A137.

2. Recommendations

- 2.1 The Committee must, having regard to the representations made, take such of the steps below (if any) as it considers appropriate for the promotion of the licensing objectives:

- to GRANT the licence subject to conditions which are consistent with the operating schedule accompanying the application - modified to such extent as the authority considers appropriate for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to EXCLUDE from the scope of the licence any of the licensable activities to which the application relates; or
- to REJECT the application.

For these purposes conditions of the licence are *modified* if any of them are altered or omitted or any new condition is added.

The Committee determines this application at the hearing.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The application made has been subject to a statutory consultation period as prescribed by regulation. Notices advertising the application have been on display at the site and published (Harwich and Manningtree Standard – 28 February 2014 edition).

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Key Information

- 7.1 The hearing is to determine an application for the GRANT of a NEW premises licence made under section 17 of the Licensing Act 2003. The application (number 010118) including plans of the premises was received on 26 February 2014. The application is attached as Appendix A.

- 7.2 The application has been submitted by:

Mr Shenko Martinov Simov

For the proposed licensed premises:

Mussy Kebab Catering Unit (single pitch), Cattawade Bridge lay-by in Brantham off the A137

No designated premises supervisor DPS is required as the application is not seeking an alcohol permission.

- 7.3 The catering unit has been at its current location since approximately 1995 according to the applicant. It provides kebabs, burgers, other fast food and beverages to customers that can attend the site or else can be delivered their order in the local area. The current operator is now seeking a permanent late night refreshment permission via the Licensing Act 2003 (which may authorise provision of hot food and/or hot drink to the public between 11pm and 5am).
- 7.4 The Licensing Authority is aware that there is an issue between the operator and the Highways Authority regarding consent to remain at the current location. That is a separate matter and not relevant to the licensing objectives which are the only consideration to be had by the Committee. Objectors refer to food safety/sanitation matters, visual appearance of the unit and dangers to wildlife which are also not considerations for the Committee when dispensing a Licensing Act 2003 function. Planning comments (not a representation) have been received which are attached, purely for information, and these have been passed on to the Applicant.
- 7.5 Generally, the application seeks flexibility to authorise late night refreshment to the public outdoors up until midnight Sunday to Wednesday, 01:00hrs Thursday and 02:00hrs Friday and Saturday. The application form is attached as Appendix A.

7.6 The operating schedule steps proposed by the applicant to promote the licensing objectives are listed at Part M of the application form (and there is an Annex of supplementary conditions also submitted). The Senior Environmental Protection Officer has mediated an additional control as follows, beyond those stated within the application:

“Any generator used by the kebab van shall be sited on the façade of the van which is furthest away from the village (facing towards the A137)”

7.7 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn. The Committee will be aware that the ‘need’, or commercial demand, for licensed premises are not considerations for the Licensing Authority when discharging its licensing functions (as outlined by the Secretary of State at paragraph 13.18 of the Guidance issued under section 182 of the Licensing Act 2003). Comments directed at the planning regime or other separate regulation or controls are also not considerations for the Licensing and Appeals Committee when determining a licence application.

7.8 Members of the Committee will be aware that the Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certification or authorisation concerned. Nonetheless, the Licensing Act 2003 contributes towards a holistic approach to management of the evening and night-time economy in town and city centres (as outlined by the Secretary of State at paragraph 13.13 of the Guidance issued under section 182 of the Licensing Act 2003).

7.9 The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

7.10 In carrying out its licensing functions, the Licensing Authority must have regard to its ‘Statement of Licensing Policy’ published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.

7.11 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.

7.12 The Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 for the applicant and Articles 8 and 1 of Protocol 1 for those raising representations - when determining applications for the grant of a new licence.

8. Representations

8.1 The Licensing Authority has received no representations from any Responsible Authority under the Licensing Act 2003.

8.2 Representations have been made by 'other persons' (which includes local residents and businesses - and in this instance the parish council). These are attached as Appendix C to this report.

9. Appendices

Title	Location
A. Application 010118 for GRANT of NEW premises licence	Attached
B. Site plan of the location of the premises	Attached
C. Representations from 'other persons' and planning advisory	Attached

10. Background Documents

10.1 None

Authorship:

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Corporate Manager – Licensing

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licensing@babergh.gov.uk

[Insert name and address of relevant licensing authority and its reference number (optional).]

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/We ~~Messy Kabob~~ ~~Simov Limited~~ Shenka Martinov
 (Insert name(s) of applicant) Simov

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 Cottwade Bridge Ley-by Brough, Suffolk OS Grid Ref: TM101773304 OS Grid Co-ordinates: 610177, 233041 Latitude/longitude: 51.9561, 1.0574	
Post town	Postcode

Telephone number at premises (if any)		RABERGH D.C. LICENSING SECTION
Non-domestic rateable value of premises	£ BAND A ✓ £100	26 FEB 2014

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- e) a recognised club please complete section (B)
- d) a charity 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:

Please tick yes

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

(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: <i>SIMOV</i>			First names: <i>Shenko Martinov</i>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number [REDACTED]					
E-mail address (optional)		[REDACTED]			

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		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
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

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

DD	MM	YYYY

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

Late night refreshment unit pitched on
Ottawade Bridge layby, Brantford, Manningtree

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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 6)			Will the performance of a play take place <u>indoors</u> <u>or outdoors or both</u> - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 3)	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thu								
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 5)		
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		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 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri			<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 5).			
Sat						
Sun						

E.

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both -- please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Pri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><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 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) FOOD SERVED AT KEE-BARS VAN NO MUSIC		
Mon	16:00	00:00			
Tue	16:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) FOOD SERVED ALL YEAR ROUND		
Wed	16:00	00:00			
Thur	16:00	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 5) SAME TIMES		
Fri	16:00	02:00			
Sat	16:00	02:00			
Sun	16:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
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 5)	

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	
Address	
Postcode	
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 8).

N.A.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			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 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

S. WE
AS
BOX
I

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 9)

I have served the public for the last 18 years and have a good reputation with my customers the site is always left clean and tidy.

SEE ANNEX 1 EXTENSION TO OPERATING SCHEDULE

b) The prevention of crime and disorder

Most of our business is by telephone then delivered to their homes so there is not many people at the van at one time. we ask customers not to drink alcohol at the van

c) Public safety

As you can see from the location map we are away from highway in a cul-de-sac.

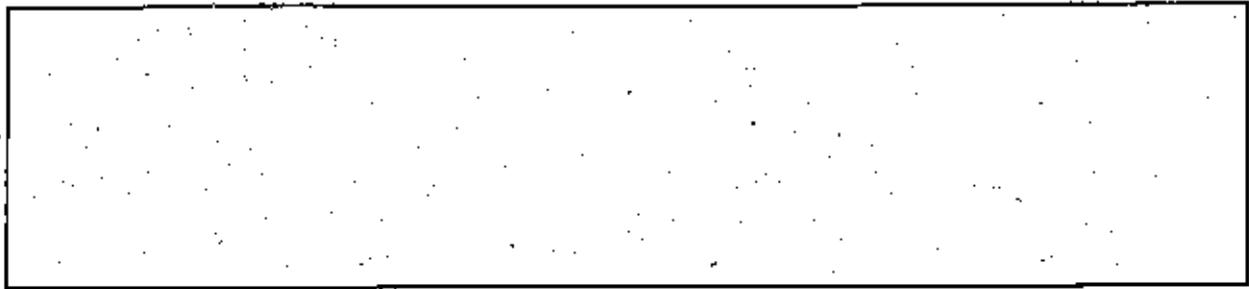
d) The prevention of public nuisance

The only problem I had was a complaint by a neighbour about noise from a generator this I replaced with a new quiet one, and was thanked by the residents

e) The protection of children from harm

If parents come to the van with children they give us the order and we take it to the car, and then the children don't have to get out.

1. The premises licence holder shall ensure that suitable and sufficient lidded waste storage bins are provided at the unit site and maintained in a clean condition. Litter and waste shall be regularly collected from the immediate vicinity of the unit and customers shall be asked to dispose of any packaging or food waste sensibly so as to not cause any nuisance.
2. Waste taken away from the site, and cleaning of waste bins, shall be during timings and via such methods so as to minimise the risk of any nuisance or disturbance being caused to neighbouring properties. Waste shall be responsibly disposed of and the premises licence holder shall clearly advise all members of staff that waste products, including fats or food, are not to be disposed of in an inappropriate manner (for example not pouring waste oil into drainage systems or waterways).
3. No food or drinks shall be available or given to customers in glass bottles, vessels or packaging.
4. The premises licence holder shall ensure that at all times whilst the public are present an adequate and appropriate supply of first aid equipment and materials is available on the premises. Adequate records shall be maintained in relation to the supply of any first aid treatment.
5. Prominent signage shall be displayed and maintained at the licensed unit alerting customers to not litter or cause noise nuisance whilst on site or in the vicinity.
6. The premises licence holder shall report any incidents of violence, anti-social behaviour or significant or underage intoxication promptly to the Police and shall report the identity of any offender(s) to the Police, where it is known. Any individual seen in possession of any illegal substance or weapon at the site shall be asked to leave and the Police shall be notified promptly, and in any event within 36 hours.
7. The premises licence holder take all reasonable steps and precautions to minimise any potential for public nuisance caused by noise or odour, including by use of low volume specification generator equipment and suitable and sufficient specification extraction/ventilation equipment.
8. Combustible and other waste, to include both packaging and cooking oils, shall be secured and regularly monitored and cleared so as to ensure no accumulation, hazard or impediment. The premises licence holder shall ensure that any spillages or breakages in public areas are promptly cleared.
9. All equipment, fixtures and fittings shall be regularly checked, including PAT testing where appropriate, to minimise any risk to the public attending the licensed premises. A legible log book shall be maintained at the unit to record details, timings, and dates of such checks. This shall be made available to the Police or authorised officer of a responsible authority upon request.
10. For the avoidance of doubt no late night refreshment shall be given to any customer after the terminal hour specified in the premises licence. The premises licence holder shall ensure that latest cooking times and last orders are taken with consideration to compliance with licensed activity timings.
11. Staff on duty shall be vigilant to any unaccompanied children attending the licensed site. The Police should be promptly notified to any concerns of staff in relation to the welfare of children attending the site.
12. The premises licence is only for the pitch as delineated in the site plan attached as Annex 4 to the licence.



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.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	26/02/2014
Capacity	Manager

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). 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 13)

Post town

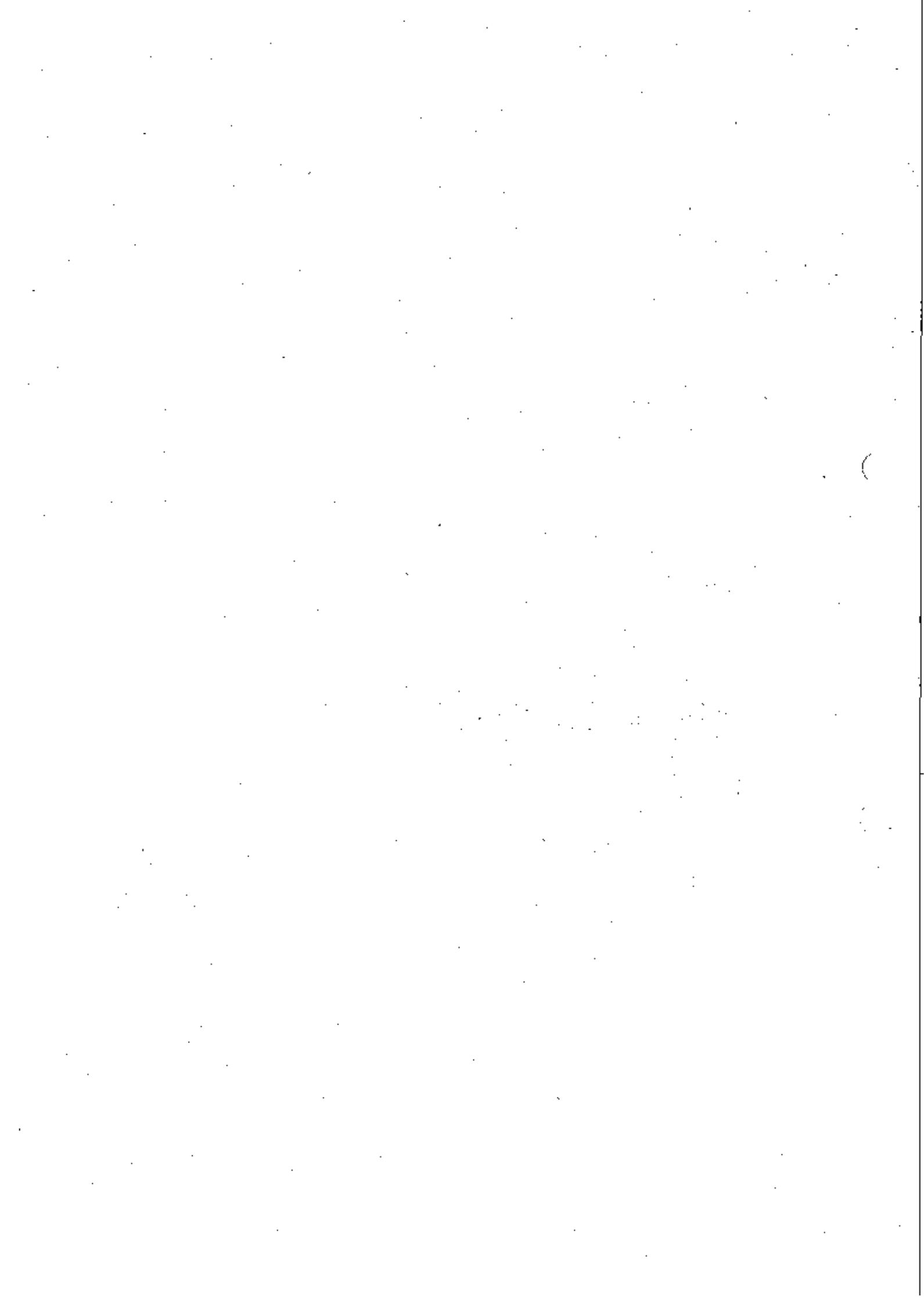
Postcode

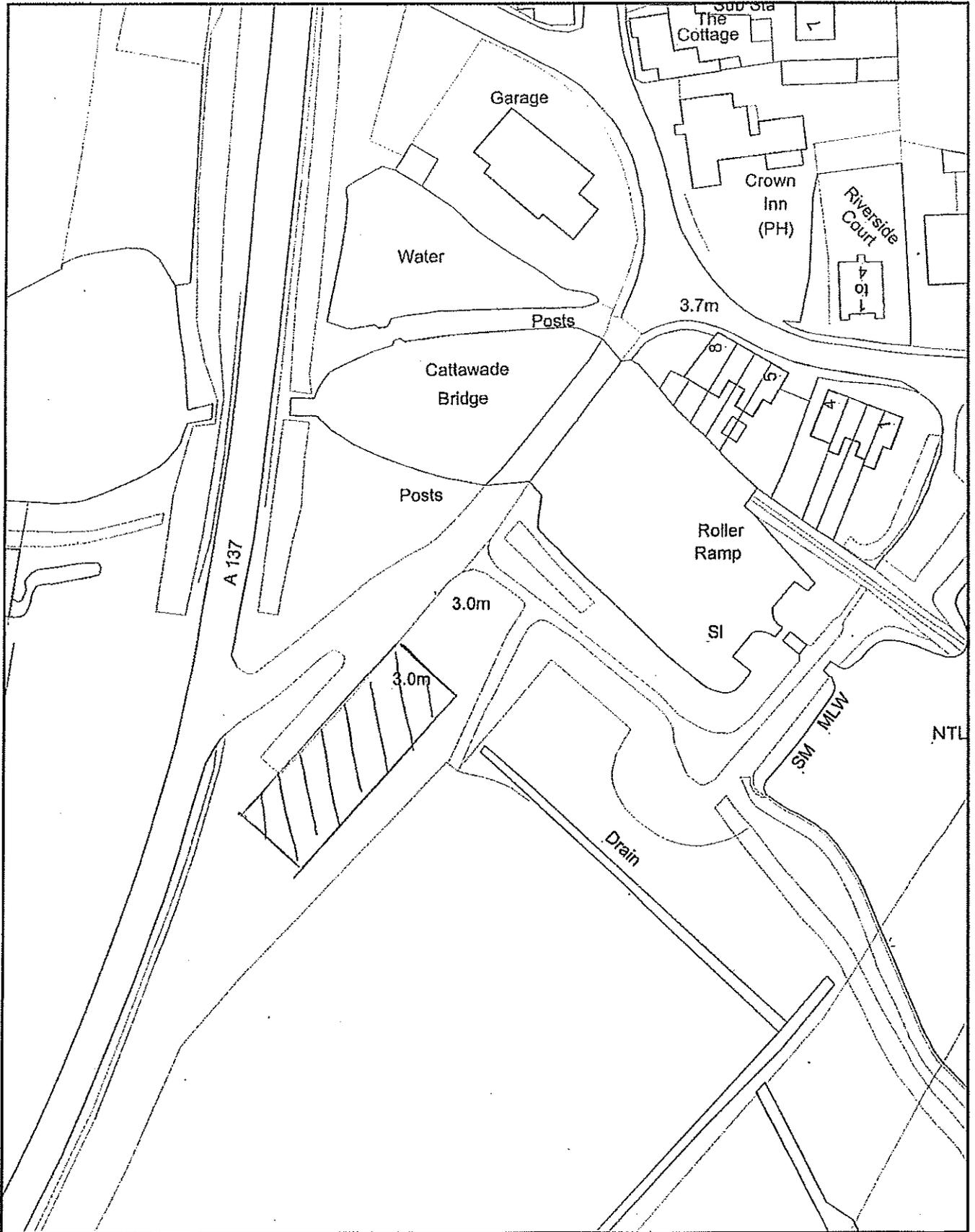
Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

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. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. 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'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.





ABERGH DISTRICT COUNCIL

orks Lane, Hadleigh, Ipswich. IP7 6SJ
 lephone : 01473 822801
 nicom : 01473 825878
 ww.babergh.gov.uk

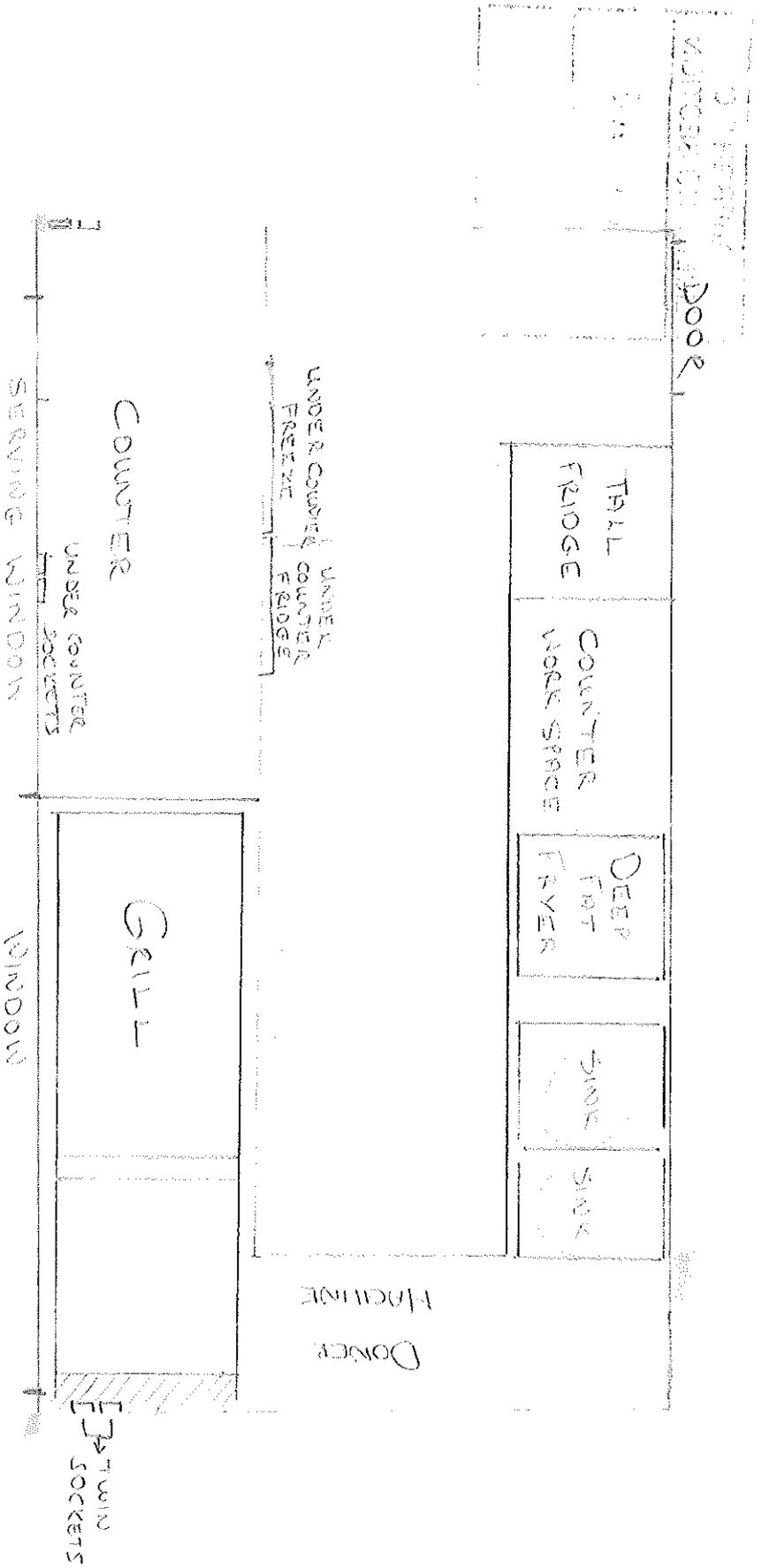


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Date Printed : 25/03/2014

MUZZY KEBAB LTD
 MR ESTAN BAKANAWAY



21 foot twin axle kiosk

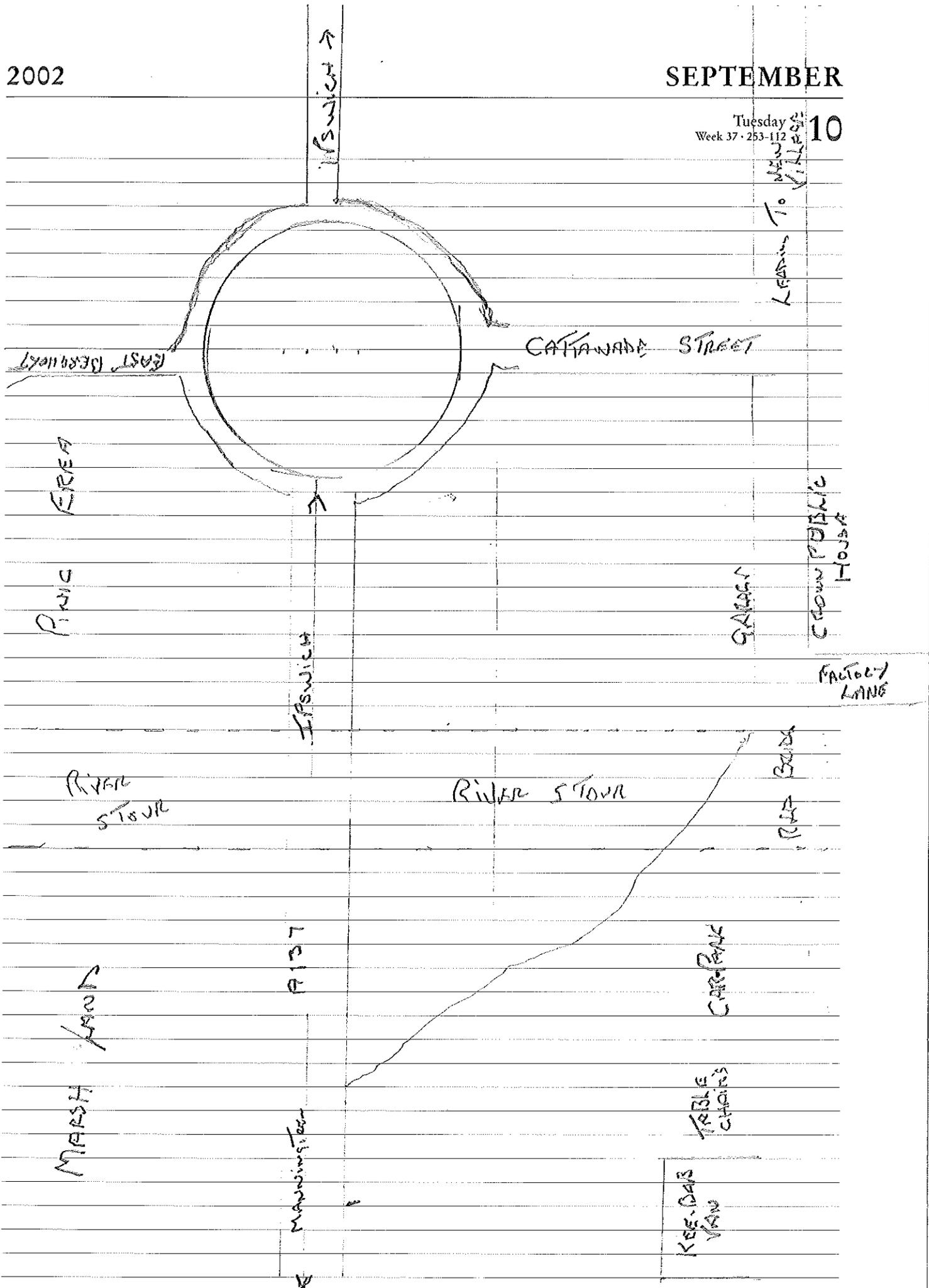
= LATE NIGHT REFRESHMENT

2002

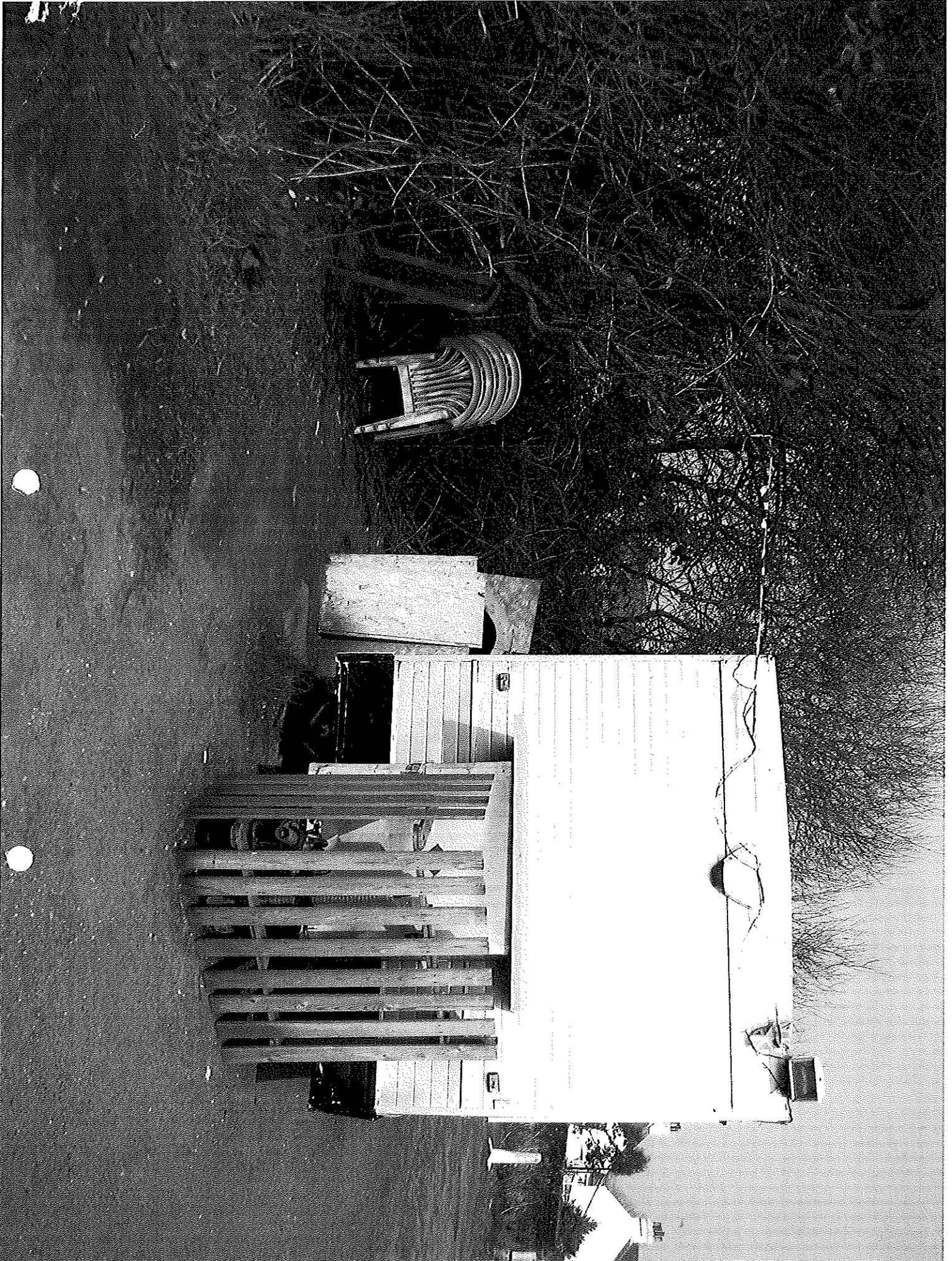
SEPTEMBER

Tuesday
Week 37 • 253-112

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October	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31



APPENDIX C

'OTHER PERSON' REPRESENTATIONS RECEIVED

1. James HAZELL

(no address disclosed despite request sent 06 March 2014)

From: Jim [mailto:James Hazell]

Sent: 05 March 2014 19:58

To: Licensing

Subject: Mr S M SIMOV Application of Premises Licence ref TM1017733041

Dear Sirs

I am writing to you regarding the above application which I wish to object to totally. My reasons being that I do not feel this catering van should even trade from this particular spot understanding it to be an area of S S I. Every time I go fishing at this beautiful spot the river and the surrounding area is littered with takeaway trays and drink cans which I always pick up by hand or with my fishing landing net and dispose of in the litter bin, which I assume the council empties

Yours faithfully

James Hazell

2. Brantham Parish Council

From: Brantham Parish Clerk

Sent: 26 March 2014 08:58

To: Carvell, Lee

Subject: Mussy Kebab Van, Cattawade Late night licence

Brantham Parish Council are writing to object to the application by Mussy Kebab Van for a late night licence for the following reasons:

- From time to time we have litter problems caused by kebab packaging in the river and surrounding area. In the past we have also had problems with generator noise and an illegal power cable from a nearby garage over the listed bridge to supply the van.
- The owners of the van have been requested to vacate the site by the owners of the land SCC, to date the owners have ignored his request and are therefore operating illegally.
- We understand the van was given a hygiene rating by BDC of 1 (Major Improvement Necessary).

- The van is an eyesore in an area near the listed bridge the symbol of the village and is surrounded by Sites of Special Scientific Interest.

If you require any further information or if you would like to discuss this with me further please do not hesitate to contact me on this email address or telephone me on 07702 490212.

Kind Regards,

Sarah Keys

Brantham Parish Clerk

15 Palfrey Heights

Brantham

CO11 1SE

3. Mr V Johns & Mrs M Johns **33 Grimwade Close, Brantham CO11 1QY**

Sent: 25 March 2014 12:00

To: Licensing

Subject: Application:010118/Mussy Kebabs/Layby by Cattawade Bridge/Mr.Shenko Martinov Simov

Importance: High

Dear Sir/Madam

We wish to register our objections to the application for a Trading Licence for the above applicant/trader.

Our reasons are as follows:- This trader has been an ongoing Brantham Parish Council agenda item under the guidance of Trevor Nobbs - Vice Chairman, for the past 3-4 years.

Also yourselves Babergh, Suffolk County Council and County Councillor Dave Wood has been involved in this issue.

The points and concerns that have been raised by Brantham residents including ourselves are as follows:-

Mussy Kebabs has been trading as a MOBILE van without a licence for many years, also they are far from a MOBILE CATERING UNIT.

This Van has not moved from this area for a number of years therefore you will appreciate that the Van has fallen into a state of disrepair.

As you can imagine the van has become a blot on the landscape in an area which is considered to be an Area of Natural Beauty.

Another issue is the Litter that the trader produces, discarded kebab boxes which can be found in the River (which is a danger to wildlife) not to mention trails of associated rubbish around the Village.

The Public waste bin adjacent to the Van is also used for their commercial waste.

Also the subject of Environmental Health issues should be addressed, we believe that they have no access to running water or toilet facilities. Don't think we would like to consume any food from there!!!!

They also erect "A" boards on the road and have flashing lights on the van which are distraction to road users, we understand this requires Police approval

This trader and or the person trading under the name of Mussy Kebabs has continued to flout the system over a period of years by changing the name of the owner. We understand that they have been issued with previously Notice to Quit the area, but totally ignored it.

They have in the past illegally ran a electricity supply cable across the Bridge, also through the River to the Garage on the other side to gain power. This was another ongoing issue with the Parish Council to get them to remove it, they would remove one day and it would be back the next! It took the intervention of the National Grid to get the unsafe cable to removed permanently.

We can't believe that the powers that be have allowed them to break the laws for so long, without any comeuppance - and now they want to extend their trading hours!

Why are they getting away with it?

We urge you to investigate this issue and NOT grant a Trading Licence to Mussy Kebabs.

Mr and Mrs Johns, 33 Grimwade Close, CO11 1QY.

PLANNING ADVISORY COMMENTS ONLY (NO OBJECTION)



Development Management
Babergh District Council
Corke Lane, Hadleigh
IPSWICH
Suffolk IP7 6SJ

To: The Licensing Section
From: Development Management
Date: 27/02/2014

Our Officer: Lynda Bacon

REPRESENTATION CONCERNING LICENSING ACT 2003 APPLICATION

Name of Applicant(s):	Premises Address:	Application dated:	Target response date:
Shenko Marlinov Simov	Cattawade Bridge Layby Brantham	26/02/2014	27/03/2014

We consider this representation relevant to the following Licensing Objective(s):

1. Prevention of crime and disorder	Yes / No
2. Public safety	Yes / No
3. Prevention of public nuisance	Yes / No
4. Protection of children from harm	Yes / No

Details of Representation:

Any measures or recommendations we feel could adequately address our concerns:

No objection to the proposed licence. However, there is no planning permission for the use of the land to station a mobile takeaway, although the use might be lawful in planning terms due to the change of use but this would be for the applicant to demonstrate.

Officer name and designation: Lynda Bacon Planning Officer

Dated: ~~27/02/2014~~ 11/3/14.

EC
11/03



Babergh District Council

Regulatory (Licensing and Appeals) Committee

PROCEDURE FOR HEARING OF APPLICATION UNDER THE LICENSING ACT 2003 WHERE A REPRESENTATION/OBJECTION IS RECEIVED

NOTE: References to the 'Applicant' may also apply to an existing licence holder if the hearing consideration relates to a licence already on issue (for example a variation)

1. The Council's Licensing Officer will present a report to the Committee outlining details of the application and reasons for the hearing including representations/objections made. The Licensing Officer may then, through the Chair, be questioned on his report by any party to the hearing.
2. The Applicant (and/or his advocate/representative) will then present their case in support of the application they have made. The Applicant calls any witnesses (if applicable). The Applicant and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
3. Responsible Authorities (and/or his advocate/representative) will then present their case in support of their representations. The Responsible Authorities call any witnesses (if applicable). The Responsible Authorities and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
4. REPEAT STEP 3 FOR EACH RESPONSIBLE AUTHORITY.
5. Other Persons objecting (and/or his advocate/representative) will then present their case in support of their representations. Other Persons call any witnesses (if applicable). Other Persons and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
6. REPEAT STEP 5 FOR EACH OTHER PERSON OBJECTING.
7. The Chairman may then allow additional questioning/ clarification of any of the parties in the order indicated by him.
8. Other Persons give any closing comments to the Committee.
9. Responsible Authorities give any closing comments to the Committee.
10. The Council's Licensing Officer gives any closing comments to the Committee.
11. The Applicant (and/or their advocate) gives any closing address to the Committee.
12. The Committee retires to deliberate in private session. All parties will then be called back into the meeting for the announcement of the decision and reasons for the decision will be given by the Chairman or Legal Advisor to the Committee. The full written notification of the decision and rights of appeal will follow forthwith.

NOTES:

- (a) The hearing will take the form of an informal discussion led by the Licensing Authority.
- (b) The Committee Chairman and, with his consent, any Member of the Committee may at any time question the Applicant, Responsible Authorities, Other Persons, Licensing Officer or any witnesses. The Committee Chairman may deviate from this procedure as he considers necessary or appropriate, to allow a discussion to flow and to allow all parties fair and equal opportunity to raise all points they may wish to make.
- (c) At all times during proceedings due regard shall be had to The Licensing Act 2003 (Hearings) Regulations 2005.