



LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination

**Bodrum Kebab and Pizza House, 37 High Street, Woburn Sands
Application for a New Premises Licence
19 January 2017**

Constitution of the Sub-Committee:	Councillors McDonald and Petchey	
Chair	Councillor Morris	
Others Present:		
Legal Advisor:	Lee Gardner	
Committee Manager:	Jane Crighton	
Licensing Officers:	James Sloan	Licensing Officer
Applicant/Licence Holder	Mr Ali Ekter	Bodrum Kebab and Pizza House
/Licence Holder's Representative	Mr Idris Aydaojan	
Unrepresented.		
Also Present:	Gillian Clarke (Senior Environmental Health Officer) Councillor Jacky Jeffreys (Woburn Sands Town Council)	
Documentation:	Report of Licensing Officer and documentation	
Apologies:	None	
Disclosures of interest:	None	

Prior to the commence of the hearing, the Chair read an opening statement which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

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Signature:	
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Bodrum Kebab and Pizza House, 37 High Street, Woburn Sands Application for a New Premises Licence

The Licensing Sub-Committee heard an application from Bodrum Kebab and Pizza House situated at 37 High Street, Woburn Sands. The application was limited to late night refreshment till midnight on Fridays and Saturdays.


Licensing officers became aware that the premise was operating without a late night refreshment licence via the Council's Planning Department. Licensing officers established that, since November 2014, the premises had been operating for the additional hours applied for without the necessary licence in place.

Following a visit to the property and a discussion with the applicant, officers concluded that there was a misunderstanding by the applicant following a discussion with the Planning Department and it was believed that the premise was operating with the relevant permissions and licenses. On realising this error, the applicant ceased to trade the additional hours and made the relevant application. Following the discussion and the action of the applicant, Licensing officers made the decision to bring the premises into compliance rather than take any enforcement action against the applicant.

The premise has been operating the additional hours for over two years, albeit without a proper licence, and during that time there has been no complaints received by Environmental Health or from Licensing officers. Further, the Town Council also confirmed that they had not received any complaints regarding the operation of the premise.

Environmental Health applied for conditions to be attached to the licence to control the issue of litter, they also raised the issue of the disposal of oil and grease products. The applicant confirmed that a bin is provided at the door of the property for patrons to dispose of the waste and agreed to clear any rubbish that has accumulated in the immediate vicinity of the premises at the end of the working day, including around the War Memorial on the opposite side of the road as there is seating there where patrons may sit to eat their food.

Environmental Health also confirmed they were happy with the operation for the disposal of oil and grease products, however, requested that the applicant contacts them to discuss any changes to those arrangements.

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The applicant was questioned and confirmed that most customers walk to the premise and also they received about 15-20 customers in the additional hours of operating. Also, the applicant produced a letter for the neighbour and objector confirming they have no issues with the noise and odour of the premise's extractor fan.


The Sub-Committee accepts that the premise is situated in a residential area, however, notes that in the two years the premises was operating without a licence there had been no complaints from those residents.

The Sub-Committee was also informed that various premises in Woburn Sands do have licensing hours in excess of 11.00 pm, however, it is alleged by the Town Council that these operating hours are not fully used and the establishments close at 11.00 pm.

The Sub-Committee, in reaching its decision, reviewed the nine reasons for refusal submitted by the Town Council and considered the relevant points were numbers three and four. It also considered the representation made by the local resident, however, on the basis that during the two years the premises was operating till midnight on a Friday and Saturday night and that the applicant had accepted the conditions requested by Environmental Health, the Sub-Committee were satisfied that, in granting the licence, it would not breach the licensing objectives.

RESOLVED -

1. That the licence for Late Night Refreshment for Friday and Saturday nights from 23.00 hours to 00:00 hours be granted.
2. The Sub-Committee noted that the applicant agreed to the conditions proposed by the Council's Environmental Health Officer and thus added the following conditions.
 - (a) that the area in the vicinity of the premise, including the area of the war memorial on the opposite side of the road be cleared of rubbish at the close of business; and
 - (b) that a bin be provided at the front door of the premise for rubbish collection.

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