

Agenda Item No:

Report No:

Report Title: Application for a Premises Licence Golden Grill 211
South Coast Road Peacehaven BN10 8LA

Report To: Licensing Sub-Committee **Date:** June 2011

Report By: Director of Planning and Environmental Services

Contact Officer(s): Tim Albright Environmental Health Manager
Garry Clark Licensing Officer

1. The Application:

1.1 Applicant: Mr Necip Caglayan Flat 1 205 South Coast Road Peacehaven
BN10 8LA

1.2 Premises: Golden Grill Unit 1 211 South Coast Road Peacehaven
BN10 8LA

1.3 Type of application: Application for a Premises Licence to be granted
under the Licensing Act 2003

1.4 Licensable activities:

1.4.1 Provision of late night refreshment. Sunday to Thursday 11pm to 12am.
Friday and Saturday 11pm to 12.30am. Hours premises are open to the
public. Sunday to Thursday 11am to 12am. Friday and Saturday 11am to
12.30am.

1.5 Steps to promote the Licensing Objectives:

1.5.1 The applicant has offered the following conditions to promote the four
licensing objectives.

1.5.2 Public Nuisance.

Signage will be displayed at exit requesting customers to leave quietly.

1.5.3 Additional condition accepted by applicant:

As a result of recommendations from the Health and Safety Officer the
following condition has been accepted by the applicant under the public
safety objective.

Public Safety.

An incident book is to be maintained that lists any and all incidents of
aggression from customers and all customers complaints. The book
is to be kept on the premises at all times and is to be made available
to any officer from Environmental Health or the Police on demand.

2. Background Information:

- 2.1** The Golden Grill at unit 1 211 South Coast Road Peacehaven is a modern small retail outlet supplying a range of hot fast food and non alcoholic beverages to customers between the hours of 11am and 11pm Monday to Sunday. It is situated on the busy South Coast (A259) road where the area provides a mix of residential and retail properties.
- 2.2** Mr Caglayan has owned the premises for approximately 18 months and he provides hot food for consumption both on the premises and to take away. Internally there is a full length servery and display counter with cooking, frying and grilling equipment situated behind this counter and a kitchen and food preparation area at the back. There are three small tables and chairs along the far side of the internal layout to allow customers to consume food on the premises.
- 2.3** Next door to the Golden Grill seperated by Dorothy Avenue at 209 South Coast Road is the Oriental Taste a chinese food take away licensed Monday to Sunday until 12 midnight. Further down the road in the other direction at 219 South Coast Road is Big Mouth Burger Bar a late night take away which is licensed for the provision of hot food and hot drink Sunday to Thursday until 12 midnight and on Friday and Saturday until 12.30am. Also nearby there is the White Schooner public house licensed until 12.30am Thursday to Saturday and on the opposite side of the road is a new build for Sainsburys supermarkets which has recently been granted a licence for alcohol and late night refreshments until 12 midnight Monday to Sunday. Therefore in the immediate vicinity of the Golden Grill there are four other premises licensed for late night refreshments throughout the week beyond the 11pm threshold.
- 2.4** Behind the Golden Grill and attached to the rear of the premises are five residential properties, flats 1 to 5, 18 Dorothy Avenue. Four of these residents in two flats have made representations against the application. Directly above the Golden Grill and the adjoining retail unit 2 at 211 South Coast Road are three further residential flats.
- 2.5** Mr Caglayan and the Golden Grill have been the subject of six complaints of noise nuisance between 2009 and April 2011 mainly of noise from the extractor fan and noise from cleaning up activities. He has also been found to have been operating on occasions beyond 11pm and was sent a letter by the Licensing Officer warning him that to trade beyond 11pm required a premises licence for late night refreshments.

3. Representation received:

3.1 Responsible authorities

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|---|-----------------|
| 3.1.1 <u>Police:</u> | No objections |
| 3.1.2 <u>Environmental Health:</u> | Representations |
| 3.1.3 <u>Fire Officer:</u> | No comment |

- | | | |
|-------|---------------------------------|------------|
| 3.1.4 | <u>ESCC – Child Protection:</u> | No comment |
| 3.1.5 | <u>Trading Standards:</u> | No comment |
| 3.1.6 | <u>Health & Safety:</u> | No comment |
| 3.1.7 | <u>Planning</u> | No comment |

3.2 Environmental Health Representations:

- 3.2.1** Principal Environmental Health Officer Ed Hele has made representations to the Licensing Officer concerning the extension of hours and the negative effect it will have on residents in the vicinity. The representation may be withdrawn if the applicant is willing to accept reduced hours and additional conditions. This report is attached at Appendix 1.
- 3.2.2** I have visited the applicant Mr Caglayan at the premises and he has read the report relating to the representation from Environmental Health. His view is that there is a demand for customers to visit his premises within the hours applied for and he is not wishing to change the hours as requested in the application.
- 3.2.3** I have consulted with the police regarding the application and there have been no reported incidents to them of crime and disorder or public nuisance associated with this premises or the other late night take aways in the area since Mr Caglayan has been operating the Golden Grill.

4.2 Interested parties:

- 4.2.1** Letters received within the relevant time wishing to make representations about the application by the Golden Grill are attached at Appendix 2. There are two written representations from four residents in the flats attached to the rear of the premises.
- 4.2.2** The grounds for their objections are that the application will undermine the licensing objective relating to public nuisance. They are considered to be relevant to the application and not frivolous or vexatious

5. Licensing Policy Considerations:

- 5.1** Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol, regulated entertainment and late night refreshment which are subject to this licence application.
- 5.2** The aims of the Policy are to secure the safety and amenity of residential communities, help to ensure a sustainable environment, and to provide regulation of the cultural/entertainment industry and to promote the four Licensing Objectives of the Act. Namely;
- Prevention of crime and disorder
 - Public Safety

- Prevention of public nuisance
 - Protection of children from harm
- 5.3** The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.
- 5.4** Any objections to a licence application or variation on the grounds of cumulative impact must be relevant and impact on one or more of the licensing objectives.
- 5.5** All residents living in the vicinity of licensed premises have an equal right to make representations concerning applications for premises licences and hours of trading and to have those representations given equal weight regardless of the area of the District in which they live.
- 5.6** In each case that arises following representations the Policy states the Council will:
- a) Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities of the business involved and the rights of local residents to peace and quiet.
 - b) Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
 - c) Consider restricting the hours of trading only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.
- 5.7** Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open.
- 5.8** In certain circumstances, however, it may be necessary to impose a limitation, for example, following a police representation in the case of some shops known to be a focus of disorder and disturbance because youths gather there.
- 5.9** If a responsible authority and/or interested parties do not raise any representations about a licensing application made to the Council, it is the duty of the Council to grant the Licence subject only to the conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 5.10** The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions that are necessary to promote the Licensing Objectives arising out of consideration of the representations.

6. National Guidance:

- 6.1** The Council may tailor its own conditions or draw from the model conditions in the National Guidance issued under section 182 of the Act.
- 6.2** The important sections under Annex D are conditions in part 4 relating to public nuisance.

7. Financial Implications:

There are no financial implications to this report.

8. Environmental Implications:

I have completed the Environmental Implications questionnaire and there are no significant effects as a result of these recommendations.

9. Risk Management Implications:

I have completed the Risk Management questionnaire and this report does not require a risk assessment.

10. Equalities Implications:

I have completed the Equalities Implications questionnaire and there are no significant effects as a result of these recommendations.

11. Background Papers:

Statement of Licensing Policy:
Pool of conditions Annex D.
Application for a premises licence for Golden Grill

12. Appendices:

Appendix 1. Representation report from Environmental Health Officer.
Appendix 2. Letters from interested parties objecting to the application.

13. Plans:

Plan of premises layout Golden Grill.
Street plan of premises location South Coast Road Peacehaven.
Photographs of premises and surrounding properties.