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Licensing/Appeals Sub-Committee

Agenda

Part One

Council Chamber - Town Hall

Monday, 26 January 2015 at 7.00 pm

Membership

Councillors
Cllrs Barrett, Newberry and Reed

Committee Co-ordinator: Jean Sharp (01277 312655)

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY
tel 01277 312 500 **fax** 01277 312 743 **minicom** 01277 312 809 **www.brentwood.gov.uk**

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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

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Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

Part I

(During consideration of these items the meeting is likely to be open to the press and public)

1 **Appointment of Chair**

2 **Quasi-Judicial Function**

Members are respectfully reminded that, in determining the matters listed below, they are exercising a quasi-judicial function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.

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Acting Chief Executive

Town Hall
Brentwood, Essex
16.01.2015

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26 January 2015 **Agenda Item: 3**

Licensing and Appeals Committee

Licensing Sub-Committee Hearing in respect of an Application for a Premises Licence – Licensing Act 2003

HUTTON BEST KEBABS, o/s CHEQUERS PH, RAYLEIGH RD, HUTTON, BRENTWOOD CM13 1PJ

Report of: *Ashley Culverwell – Head of Borough Health, Safety & Localism*

Wards Affected: *Hutton East, Hutton Central*

This report is: *Public*

1. Executive Summary

1.1 This report provides information of an application for a new premises licence in respect of ***Hutton Best Kebabs, o/s Chequers Public House, Rayleigh Road, Hutton, Brentwood CM13 1PJ***

1.2 Members are requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

2. Recommendation(s)

2.1 Each application must be considered on its individual merits and, therefore, no recommendations may be made. However, the available options are:

i) To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
iii) To reject the application in whole or in part

3. Introduction and Background

3.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

3.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

3.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued. Those pertaining to this particular application are reproduced in paragraph 5 of this report.

3.4 The four licensing objectives are;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

No objective carries any more weight than any other.

3.5 Any representation must be able to demonstrate that on the balance of Probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

4. The Application

4.1 This application was received on 14 November 2014 from Mr Okkes Gilgil in respect of Hutton Best Kebabs, o/s Chequers Public House, Rayleigh Road, Hutton, Brentwood CM13 1PJ. A copy of the application is attached at ***appendix 1.***

4.2 The premises relates to an area on the private car park of The Chequers public house, Rayleigh Road, identified by the applicant as a location to park up a burger/ kebab van and provide late night refreshment. A site map of the location is also attached at ***appendix 1.***

4.3 The applicant seeks a new premises licence for the provision of late night refreshment for the following hours;
23:00hrs-00:00hrs on Sunday-Thursday &
23:00hrs-01:00hrs the following morning on Friday & Saturday

5. Reasons for Recommendation

If Members are minded to grant the application:

5.1 The applicant has stated that:

- no alcohol will be served
- will not serve under age children

All such proposals will be converted into conditions on any licence as may be granted.

6. Consultation

6. The regulations of the Licensing Act 2003 outline the requirements for the advertising of applications. These require the applicant to advertise the application:

(b) For a period of no less than 28 consecutive days starting on the day after the day on which the application is given to the relevant licensing authority or display a notice ... prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises...
(c) By publishing a notice in a local newspaper ... on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority.

6.2 Regulations also require that the applicant give a copy of the application to each responsible authority on the same day upon which it is given to the licensing authority.

6.3 There are no other statutory requirements for advertising of any application, however, the relevant Ward Councillors are notified and details of all applications received along with the time limit for receipt of representations is posted on the Council website.

6.4 Officers from the licensing authority have made checks on the display of notices in November and on 13 December. On each occasion a blue advertising notice was on display on the side of the van facing the street.

6.5 There have been two representations received from the Responsible Authorities. Mr Dean Baker, from Planning, and Mr Steve Blake, from Environmental Health, have made representations noted at ***appendix 2.***

6.6 There have also been nine representations received from local residents. Mr Rob Pinckney, Mr E Fallon, Mr Kenneth Boyd & Mrs Susan Boyd, Mr Steven Toms & Miss Laura Merritt, Mrs Bridget Pollard, Mrs Sue Winton & Mr David Andrews have aired their concerns relating to public nuisance and public safety and their representations are attached at ***appendix 3.***

6.7 The concerns relating to the licensing objectives are predominantly based on litter nuisance complaints and public safety issues arising from anti-social behaviour relating to the extended hours of late night refreshment that attracts people to the residential location. These complaints have extended to the smell of food emanating from the van.

7. Statement of Licensing Policy

7.1 There are no specific issues arising from this application in relation to the Councils' Statement of Licensing Policy.

7.2 The following extracts from the Councils' Statement of Licensing Policy are brought to the general attention of Members:

(1.4) Nothing in this Statement of Policy should be regarded or interpreted as an indication that any requirement of law may be over-ridden; each application will be considered and treated on its own merits.

(7.1) When considering applications, the Licensing Authority will have regard to:-

(a) The Licensing Act 2003, as amended and the licensing objectives.
(b) Government guidance issued under Section 182 of the Licensing Act 2003, as amended.
(c) Any supporting regulations.
(d) This Statement of Licensing Policy.

(9.1) Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgments as to whether conditions may need to be attached to various authorisations in order to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the

premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. These conditions will cover matters that are within the control of individual licensees and others with relevant responsibilities.

(9.2) The Licensing Authority acknowledges that the licensing function cannot be used for the general control of nuisance or the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:

(a) Planning controls.
(b) Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other services within the Local Authority.
(c) The provision of CCTV surveillance in town centres, ample taxi ranks, street cleaning and litter patrols.
(d) Powers of Local Authorities to restrict consumption of intoxicating liquor in designated public places other than Premises licensed for 'on' sales.
(e) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
(f) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
(g) The confiscation of alcohol from children and adults in designated areas.
(h) The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
(i) Action under the Violent Crime Reduction Act 2006.

(11.1) There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its Statement of Licensing Policy.

(16.6) The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. ***For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.***

8. Relevant Sections of the Secretary of State's Guidance

8.1 The following extract of the section 182 guidance as published by the Secretary of State are brought to the attention of Members.

(9.41) 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.

(9.42) 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.

(9.43) 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. Whilst 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. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

9. Legal Considerations

9.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.

9.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.

9.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

Appendices to this report

- Appendix 1 - Application Form
- Appendix 2 - Representations – Responsible Authorities
- Appendix 3 - Representations - Interested Parties

Report Author Contact Details:

Name: Dave Leonard
Telephone: 01277 312523
E-mail: dave.leonard@brentwood.gov.uk

HUTTON BEST KEBABS, o/s CHEQUERS PH, RAYLEIGH ROAD, HUTTON, BRENTWOOD CM13 1PJ

APPENDIX 1

APPLICATION FORM

26 JANUARY 2015

Reference: PrL72087

Application for a Premises Licence to be granted under the Licensing Act 2003

Please note: You must provide online payment for this licence after completing the form. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or a debit card.

Before completing this form, please read the guidance notes:

Premises Licence Application Guidance Notes

You should keep a copy of the completed application for your records, this will be attached (PDF format) to your acknowledgement email which you will receive upon completion of this application. By completing this application online, you will automatically be notifying the Responsible Authorities.

Cost of licence

The fee you pay for your licence is based on the rateable value of the premises and if the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises. If you do not know what the rateable value of your premises is, you can find this on the Valuation Office Agency website.

What is the Non-domestic rateable value of the premises?*	0-4300
Cost of licence:	100.00

I/we (name of applicant)* Mr. OKKES GILGIL

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

Does the premises have a postal address, or would you like to enter ordnance survey map references, or a description of its location?*	No, I would like to enter OS map refs, or description of location.
Ordnance survey map reference or description:*	I GOING TO ATTACH SURVEY MAP WITH MY ONLINE APPLICATION AND ALSO I AM GOING TO RED MARK FOR CATERING TRAILER LOCATION
Daytime contact telephone number (if any):	07436261761
Premises email address (optional)	
Email address	faro88888@gmail.com
Re-enter email address	faro88888@gmail.com
Please state whether you are applying for a Premises Licence as*	(a) an individual or individuals
I am*	carrying on or proposing to carry on a business which involves the use of premises for licensable activities

Individual Applicants

Title*	Mr
First name(s)*	OKKES
Surname*	GILGIL
I am 18 years old or older*	Yes
Applicant Address	
Flat Number (if any)	
House / Building Name or Number*	118
Road Name*	ST. EDMUNDS ROAD
Town	

County	
Post Code*	N9 7PR
Daytime contact telephone number*	07436261761
Applicant email address (optional)	
Email address	
Re-enter email address	

Second individual applicant (if applicable)

Title	Nothing selected
First name(s)	
Surname	
I am 18 years old or older	Nothing selected
Applicant address	
Flat Number (if any)	
House / Building Name or Number	
Road Name	
Town	
County	
Post Code	
Daytime contact telephone number	
Applicant email address	
Email address	
Re-enter email address	
OccupancyCost	
LicenceCost	
AlcCost	

Part 3 - Operating Schedule

When do you want the premises licence to start?*	17 Nov 2014
If you wish the licence to be valid only for a limited period, when do you want it to end?	
Please give a general description of the premises. (Please read guidance note 1):*	MY PREMISES IS CATERING TRAILER AND I AM GOING TO SERVE TURKISH KEBAB AND BURGERS AND CHIPS AND SOFT DRINKS,SALAD
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 section 1 and section 14 of the Licensing Act 2003 and Schedule 1 and Schedule 2 to the Licensing Act 2003)

Provision of regulated entertainment:

- [ ] (a) plays
- [ ] (b) films
- [ ] (c) indoor sporting events
- [ ] (d) boxing or wrestling entertainment
- [ ] (e) live music
- [ ] (f) recorded music
- [ ] (g) performances of dance
- [ ] (h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment [x]

Monday	16:00:00	23:00:00
Tuesday	16:00:00	23:00:00
Wednesday	16:00:00	23:00:00
Thursday	16:00:00	23:00:00
Friday	16:00:00	23:00:00
Saturday	16:00:00	23:00:00
Sunday	16:00:00	23:00:00

State any seasonal variations (please read guidance note 4)*	NONE
Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed above, please list (please read guidance note 5)*	NONE

(o) Promoting licensing objectives

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

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)*	I ALWAYS FOLLOW TO LICENCES RULES I MAKE SURE ALWAYS SERVE FRESH PRODUCTS AND FOLLOW THE HYGIENE RULES IF LICENCE OFFICER REQUEST I OPERED CCTV SYSREM
b) The prevention of crime and disorder*	I SERVE TO MY CUSTOMER VERY FRIENDLY
c) Public safety*	ALWAYS SERVE FRESH PRODUCTS AND KEEP MY PREMISES CLEAN AND FOLLOW THE HYGIENE RULES
d) The prevention of public nuisance*	OPEN AND CLOSED TO MY PREMISES ALWAYS ON THE TIME
e) The protection of children from harm*	I AM NOT SERVE UNDER AGE CHILDREN

Declaration

I agree to submit a plan of the premises*	I agree
Please attach a plan of the premises	AREA 2 HA.doc

Alternatively, these should be sent by post to: Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY. Please include the reference number for this form, which will be produced when you submit it.

I will send copies of this application and the plan to the relevant authorities and others where applicable*	I agree
I will submit a consent form completed by the individual I wish to be designated premises supervisor, if applicable	I agree

Supply of alcohol ☐

(i) Late night refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 2).*	Outdoors

Standard days and timings
(Please read guidance note 6)

Day	Start	Finish
Monday	23:00:00	00:00:00
Tuesday	23:00:00	00:00:00
Wednesday	23:00:00	00:00:00
Thursday	23:00:00	00:00:00
Friday	23:00:00	01:00:00
Saturday	23:00:00	01:00:00
Sunday	23:00:00	00:00:00

Please give further details here (please read guidance note 3)*	NONE ,ONLY SERVE TO TAKE AWAY FOOT
State any seasonal variations for the provision of late night refreshment (please read guidance note 4)*	NONE
Non standard timings. Where you intend to use the premises for provision of late night refrehment at different times to those listed above, please list (please read guidance note 5)*	NONE

(n) Adult entertainment and services

Please highlight any adult entertainment or services, activities, or 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)*	NONE

(l) Hours premises are open to the public

Standard days and timings
(Please read guidance note 6)

Day	Start	Finish

(available as a separate online form on our website)*

I understand that I must now advertise my application* I agree
A copy of the Prescribed Form of Notice is available here:
Public Notice of Application

I understand that if I do not comply with the above requirements my application will be rejected* I agree

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 (Print name):* Mr. OKKES GILGIL

Date* 14 Nov 2014

Capacity:

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 (Print name)

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Correspondence name

Telephone number
Mobile telephone number 07436261761
To receive email acknowledgement of your application and confirmation of your payment, please provide a correspond
Email address* faro88888@gmail.com
Re-enter email address* faro88888@gmail.com

Payment

If you wish to continue, please click "Submit". You will be redirected to a secure payment page where you can enter your payment details. Please do not close your browser.

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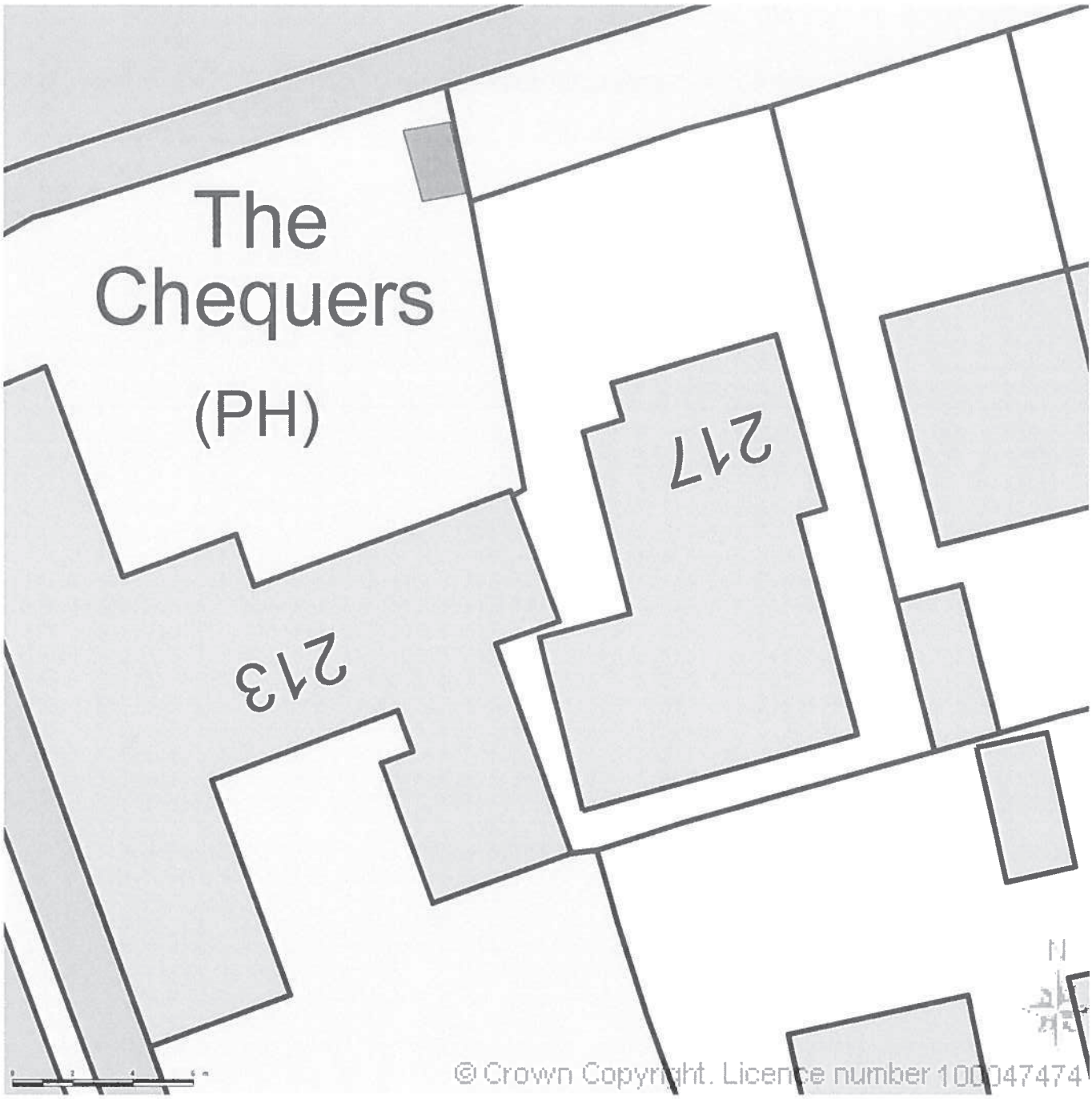

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HUTTON BEST KEBABS, o/s CHEQUERS PH, RAYLEIGH ROAD, HUTTON, BRENTWOOD CM13 1PJ

APPENDIX 2

Representations

Responsible Authorities

Planning – Dean Baker

Environmental Health – Steve Blake

26 JANUARY 2015

dave leonard

From: Dean Baker
Sent: 23 December 2014 14:25
To: dave leonard
Subject: RE: APPLICATION FOR A NEW PREMISES LICENCE - HUTTON BEST KEBABS, o/s CHEQUERS PUBLIC HOUSE, RAYLEIGH ROAD, HUTTON CM13 1PJ

Dear Dave,

Further to this application for a premises licence, I have considered the matter on behalf of the Local Planning Authority.

The operator is aware of the need to gain planning permission for the use, and has been so aware since 28 October 2014. I have checked our records today to find that no such application for planning permission has been submitted.
There have been a number of concerns raised about the operation of this food unit and it is clear for the past 2 months the operators have been quite prepared to flout regulations (in this case by breaching planning laws) for the furtherance of their business activities. In the absence of a planning application, local people have been denied the opportunity to voice any concerns they may have about matters specific to the use, as opposed to the limited 'hours of operation' under consideration in the premises licence application.

The development has an adverse effect on the street scene and public amenity, it occupies spaces within the pub car park, which would be likely to result in users of both businesses having to park elsewhere, there may be issues of noise from customers and smells from the cooking processes. Although these would not be greatly exacerbated by opening after 23.00 hrs, night time trading is more likely to result in noise and disturbance which would be more noticeable against a background noise at a lower level, due to the time of night when nearby residential occupiers might expect peace and quiet. A further concern would be that if a licence were to be granted, then this could be seen as the Council accepting the amenity aspects, prior to consideration of an application for planning permission. For the above reasons I would wish to object to the grant of the licence.

Dean Baker

Dean Baker | Planning Enforcement Officer | Brentwood Borough Council
T 01277 312606 | F 01277 312743 | www.brentwood.gov.uk | dean.baker@brentwood.gov.uk

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From: dave leonard
Sent: 26 November 2014 14:33
To: David Carter; Dean Baker; 'Garry Owles'; 'Audrey Chapman, Business Support Assistant'; 'Mechelle DeKock, Local Authority Designated Officer'; Elaine Hanlon; 'Andy Champ'; hoehpps; 'kathy.Taylor@northeastessex.nhs.uk'; 'licenceapplications@essexcc.gov.uk'; licensing; 'Peter Jones'; planning; 'tb.command@essex-fire.gov.uk'; 'TSInformationAndBusinessSupportTeam@essexcc.gov.uk'
Cc: Olivia Sanders; Chris Hossack; Paul Faragher; John Kerslake
Subject: APPLICATION FOR A NEW PREMISES LICENCE - HUTTON BEST KEBABS, o/s CHEQUERS PUBLIC HOUSE, RAYLEIGH ROAD, HUTTON CM13 1PJ

Dear Colleagues,

Further to my e-mail dated 14/11/2014 (below) please note that:

As a result of inaccurate advertising, the consultation period for this application has now been extended to midnight on WEDNESDAY, 24th DECEMBER 2014

On 14th November 2014, the Licensing Office received an application from Mr Okkes Gilgil for a new premises licence at:

HUTTON BEST KEBABS, o/s CHEQUERS PUBLIC HOUSE, RAYLEIGH ROAD, HUTTON CM13 1PJ

This burger van has been operating for some considerable time off the highway and in the front car park of THE CHEQUERS public house. Having been made aware that the van was operating until gone midnight – and therefore, requiring a premises licence - the operators were spoken to by the Environmental Health and Planning Office and have now applied for the following.

The licensable activity being sought is;

Late Night Refreshment: 23:00hrs-00:00hrs Sunday-Thursday and
23:00hrs-01:00hrs Friday & Saturday into the following morning

The consultation period for this application ends at midnight on **Wednesday, 24th December 2014.**

If you feel compelled to make a representation against this application, or if I can be of any further assistance, please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523**.

Kind regards,

Dave Leonard

Licensing Officer
Brentwood Borough Council
dave.leonard@brentwood.gov.uk
01277 312523

dave leonard

From: Stephen Blake
Sent: 23 December 2014 16:13
To: 'faro88888@gmail.com'
Cc: licensing; dave leonard; David Carter
Subject: RE: HUTTON BEST KEBABS, o/s THE CHEQUERS PUB, RAYLEIGH ROAD CM13 1PJ

Importance: High

Dear Mr Okkes Gilgil ,

As we have received complaints regarding your operational activities from nearby residents I have recommended the following matters that relate to the Prevention of Public Nuisance. I will be requiring these conditions to be included within the Licence should we be in agreement.

Prevention of Public Nuisance

- The Licensee will ensure the public highway directly at the front of the food van is kept free from litter during opening hours. During the course of business this area will be cleared of all food and cigarette related debris.
- The licence holder shall ensure that any queue to the food van which forms outside is orderly and supervised by staff so as to ensure that there is no public nuisance, particularly noise or obstruction to the car park area or highway.
- The licensee shall take all reasonable practicable steps to ensure that patrons departing from the licensed food van area (including the car park) do not cause nuisance or annoyance to adjoining residents or passers by.
- Waste receptacles;
    1. Sufficient number of suitable receptacles with properly fitted covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the food van: and all accumulation or collection of such rubbish, dust and refuse shall be kept in the receptacles until removed from the area premises.
    2. Such rubbish, dust and refuse shall be removed regularly from the licensed van and surrounding area.
    3. The receptacles shall be maintained in a clean condition to the satisfaction of the Council and shall be kept secured in positions approved by the Council.
- The licensable activities shall mirror the Chequers Public House closing times and therefore cease operating at the following times:
    1. Sunday to Wednesday close 23.30hrs
    2. Thursday to Saturday close 00.30hrs
    3. Christmas Eve, Boxing Day, St George's Day, St David's Day, St Patrick's Day and St Andrew's Day close 00.30 the following day
    4. New Years Eve to the end of The Chequers Public House's permitted hours the following day

- The Licensee shall ensure that any and all ventilation motors, ductwork and hoods be satisfactorily maintained in order to alleviate excessive food odours that could affect adjoining residents or passers by.
- The Licensee shall ensure that any lights/illumination be so positioned so as not to cause nuisance or annoyance to adjoining residents or passers by.

Should you wish to discuss the above please contact me.

If you are in agreement with these provisions I will agree to the application subject to these recommended Licensing conditions being included in the Licence.

If we are in disagreement then I confirm that authority feels that it has sufficient grounds to make representation to the Licensing Committee.

Yours,

Steve Blake

Stephen Blake | Environmental Health Officer | Brentwood Council
T 01277 312647 | F 01277 312743 | www.brentwood.gov.uk | stephen.blake@brentwood.gov.uk

HUTTON BEST KEBABS, o/s CHEQUERS PH, RAYLEIGH ROAD, HUTTON, BRENTWOOD CM13 1PJ

APPENDIX 3

Representations

Interested Parties

Mr. Rob Pinckney

Mr. E Fallon

Mr. Kenneth Boyd & Mrs. Susan Boyd

Mr. Steven Toms & Miss Laura Merritt

Mrs. Bridget Pollard

Mrs. Sue Winton

Mr. David Andrews

26 JANUARY 2015

Mr R J Pinckney
219 Rayleigh Road
Hutton
Brentwood Essex CM13 2QA

T. Phone

Hutton Beef Kebab
(Chequers Car Park) Chequers Public House
Rayleigh Road Hutton
Dear Sir/Madam
I have already objected to BBC regarding the above they said they couldn't do anything about it.
I strongly object the above reasons
1 Noise is bad enough from Pub
2 Safety, Parking on paths etc
3 Smells are terrible cannot have Windows open, in the summer it will be horrible

4 Where people throw unwanted food and the contents is unhealthy plus there are Rats in the Children Play area also in the recycling area Big ones

Suggest Closing it Down it is an eyesore should be in a fairground not in a residential area

Yours faithfully
R J Pinckney

BRENTWOOD B.C.
10 DEC 2014
Received

BRENTWOOD BOROUGH COUNCIL
10 DEC 2014
ENVIRONMENTAL HEALTH & LICENSING

3 Cedar Rd,
Hutton,
Brentwood,
CM13 1NA.
TEL.

Licensing Authority,
Brentwood Council,
CM15 8AY.

8TH Dec' 2014.

"Hutton Best Kebab", Chequers P.H. Car Park.

Dear Sirs,

It has been drawn to my attention that the above, currently unlicenced, business has applied for a licence to trade.

I wish to formally register my objection on the grounds of public nuisance. I, my wife, and neighbours are constantly clearing takeaway debris discarded by occupants of vehicles, parked in the vicinity of the Chequers P.H.

This litter appears overnight on a regular basis. Should we chose to ignore it, there would be the likelihood of vermin infestation, considering the infrequent street cleaning.

Yours faithfully,

E. C. FALLAN

1 Cedar Road
Hutton
Brentwood
Essex CM13 1NA

13th December 2014

The Licensing Authority
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex CM15 8AY

Dear Sir/Madam,

We are writing with our objections to the trading licence application by:
Huttons Best Kebab, Chequers Public House Car Park, 213 Rayleigh Road, Hutton, Essex CM13 1PJ.

It has been currently trading without a licence for the last four months and has generated a number of issues which are unacceptable to us as we live just around the corner and opposite the pub. The fast food van attracts larger numbers of people to hang out on the street at night which increases noise, nuisance, public brawls and fights which will get worse in the summer months. As well as adding to litter, food debris and smells in an area where rats are already a problem in our gardens, it is also an eyesore which detracts from our local community.

Therefore we feel that the application would not meet the following licensing objectives:

1. The Prevention of Public Nuisance
2. Public Safety
3. The Prevention of Crime and Disorder
4. The protection of children from harm

We feel that this takeaway van can not be tolerated in a highly residential area and it is abhorrent that they have been allowed to trade this long without a licence.

Yours faithfully,

S. E. Boyd

Susan E Boyd and Kenneth R Boyd.

Steven Toms & Laura Merritt
221 Rayleigh Road
Hutton
CM13 1PJ
11th December 2015

Licensing Authority
Brentwood Borough Council
Town Hall
Ingrave Road
Essex CM15 8AY

Dear sir or madam,

Regarding: Licence to trade request by Hutton Best Kebab, Chequers Public House Car Park.

My fiancée & I purchased the above property at the end of May & are long-time residents of Brentwood borough. A few months ago a pop-up takeaway van appeared in the car park of the Chequers Public House which is only three doors from our property. We spoke with neighbours at the time & the general consensus is that we are all deeply disturbed that we were not consulted in advance & the subsequent detrimental effect the business is having on the image & safety of our local community. Given I live three doors away & the van is open air, I have the constant stench of grease in my front & back garden. I have witnessed first- hand the increased number of youths the business brings to the pub car park which has led to noise at night, increased rubbish outside my front garden & my fiancée now feels unsafe to walk to her own front door after dark with so many youngsters hanging around. In addition, the pub car park sits opposite an un-gated recreational area with a playground. The attraction of the takeaway business has led to more youngsters loitering around & making noise late at night & I have seen myself near accidents where they are running/cycling across the road between the two.

As a community, my neighbours plan to strongly petition the grant of a licence to trade for this business. In just a few months many of us have been very distressed by its presence, from me & my fiancée who just having moved into our first home feel our local vicinity is now a less attractive & hygenic location to our elderly neighbours who fear for their safety.

In the strongest possible terms, we appeal to you not to grant this business a licence to trade & to consider all the detrimental impacts this would continue to have on the community of Hutton.
We please ask you to consider that in the time since the business began

- There has been an increased number of youths attracted to a residential area which has led to an increase in noise late at night & litter in adjacent areas(including my front garden)
- Youths recklessly running back and forth across the road between the car park & the playing fields
- It's presence continues to encourage anti-social behaviour & attracts more youngsters from outside the local vicinity
- Intimidating & threatening behaviour by youths towards local residents
- Fowl stench of the open air unit
- Image of the unit is unattractive & impacts the image of Hutton.
- Late hours applied for by the business are extremely unsociable for local residents impacted by its presence.

- There are already takeaway businesses in the local area that are housed in shop units which already more than serve the local community.
- As a community we do not want this business to continue & it brings no benefits to residents.

Given we are so close to the business in question, we hope that you consider our concerns relevant & that you take into account when making a decision on the licence.
We strongly appeal to you to reject the licence to trade for the good of our community.

We are available any time should you wish to discuss any of the above with us.

Yours sincerely

Steve Toms

Laura Merritt

HuttonVILLAGE
DENTAL
PRACTICE

217 Rayleigh Road
Hutton, Brentwood
Essex CM13 1PJ

t: 0844 815 1015
f: 0844 815 1433
e: info@huttonvillagedental.co.uk
w: www.huttonvillagedental.co.uk

Licensing Authority
Bentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

16th Decemember 2014.

Dear Licensing Authority

Re: Huttons Best Kebabs Chequers House Car Park

I writing to express my concerns re the licensing of the kebab stall which arrived with out warning, it is parked next to our neighbouring wall where the extractor fan blows its fatty smells over our entrance to a dental practice.

The practice is open every day except Sundays and has the inconvenience of the smell from 4pm to 8.30pm on our late nights. The patients have to endure the smell as they walk passed it, to enter the practice. I am not looking forward to summer when we will actually have to have our windows open.

Although they open from 4pm they actually are preparing a lot earlier in the afternoon.

Since the opening of the kebab still it has created a gathering area for children after school and a place to hang out in the evening. You can often see kids on bikes riding round crossing the road dangerously to eat the food in the park opposite.

In the past years the Wash Park has been a hang out for young people which has resulted in public nuisance but since it became an alcohol free zone there has been much improvement but the arrival of the kebab stall has encouraged this anti social

behaviour to return to Hutton with large groups of youth on bikes congregating on the pavement outside the chequers public house.

I think you must look at the age of the kebabs customer and realise that their target market is teenagers and young people who are too young to visit the pub, therefore is a pub car park the most suitable place for this stall.

The smokers from the pub are often seen standing outside the front of the pub drinking and smoking so is the correct role model we are showing young people.

I do not see any benefit of the stall being open longer than the hours of the Chequers Public House .

From a business perspective as a provider healthcare we promote healthy living and there is nothing about a kebab stall we can endorse as healthy .We have also had complaints from patients whose children are tempted and want to visit the stall.

Our other main concern is the rubbish which it generates not only in the surrounding area but the park and verges, this has definitely increased since the arrival of the stall. We have had problems with rats in the past because of the pub but now with all this extra food waste it is becoming a grave concern.

Also as a resident of Hutton I do not believe we need this Kebab stall, we have a fish & chip takeaway and also a kebab stall on the industrial estate all within walking distance if required.

We need to protect the residents of Hutton and ensure it remains a safe place to walk after dark and not have to be intimidated by large groups of youths hanging around.

We need to protect the children by not making it easily accessible to eat junk food.

We need to protect our environment from litter which encourages foxes and rats.

I can not see any justification to the stall remaining open after mid nightas it will only encourage people to stop off on the way home from pubs /nightclubs which will cause excessive noise and be a public nuisance.

Please don't hesitate to contact me if you wish to discuss this matter.

Yours sincerely

Bpollard

Bridget Pollard
Practice Manager

dave leonard

From: Caroline Harrison
Sent: 22 December 2014 13:59
To: dave leonard

Reference	Contact Type	Received	Contact Details	Request	Action	Print
REP/93654/2014 **0 days**	Member of Public	22 December 2014 at 13:51:20	mrs sue winton 5 Cedar Road Hutton Brentwood Essex CM13 1NA	**Complaint** ***Huttons Best Kebab at The Chequers Pub Car Park, Hutton*** I wish to make an objection to this business being given a trading license. I feel that the type of business it attracts at the times it is open especially during the summer months will cause a public nuisance and disturb residents in this area. the police already have to deal with problem groups of youths at the playing fields and this will add to the situation. It will also create additional litter in the area. I feel there are already sufficient places to eat in Brentwood without adding to them. the smell and noise will affect local people in the mainly residential area.		

Caroline Harrison | Licensing Technical Officer
Tel: 01277 312508 | Fax: 01277 312743 | www.brentwood.gov.uk |
Email: caroline.harrison@brentwood.gov.uk

Mr. David Andrews
59 Cedar Road
Hutton
Brentwood.Essex
CM13 1ND

17 December 2014

Dear Sir,

I Would like to object against **Okkes Gilgil / Huttons best Kebab** being granted a Trading Licence by Brentwood council for the following reasons.

The Prevention of crime and disorder.
This Takeaway Trailer is sited only a few short steps outside The Chequers Arms Public House, directly within their front of house parking area. Alcohol is served by the pub until 11pm in the evening. The Chequers Arms describes Huttons Best Kebab as 'Our onsite Kebab Van' on its facebook page. This clearly shows The Chequers Arms intention for its customers to use this Takeaway as an extension of their business.
When warmer weather arrives it appears very likely that pub customers could easily take their drinks outside and purchase and consume food from this Kebab Van with their alcohol. Despite Huttons best Kebab having no Licence to sell alcohol, it could still be easily consumed in an area with no designated seating right next to the public highway.

Since this Takeaway has been trading, Brentwood Local Police have reported that 'It has been noticed that in the evenings cannabis is being smoked or dealt in the park' (Hutton Community Centre Park) This park is opposite to where Huttons Best Kebab operates. Although it must be made very clear that this incident cannot be attributed to Huttons best Kebab or The Chequers Arms Public House, It must be noted that Statistics show that antisocial behaviour is by far the biggest crime in the Hutton area.
The combination of an Illuminated Takeaway Van, a Public House and a park which contains a childrens play area adjacent to the applicants trailer is obviously an attraction that will lead to an increase in this type of antisocial behaviour, indeed this already appears to be problematical as described in the Local Police report which I have enclosed.
Being that the Chequers Arms Public house closes at 11pm. There is no business activity on the Industrial Estates nearby, and Hutton retail premises are closed. Why are Huttons Best Kebab now applying for a Trading Licence after 12pm weekdays and 1pm on Fridays and Saturdays?
One must assume that Huttons Best Kebab will be aiming to attract late night 'passing Trade' from outside of the residential area in which it is sited, and not Local custom.

Public Safety.

The siting of this takeaway van has occupied up to three parking spaces in an already small car park owned by the Chequers Arms Public house, this has contributed to increased parking directly on the corner of this car park, the Junction of Cedar Road and Rayleigh Road, in the adjacent bus stop, and on the public footpath directly outside this Kebab van. Despite parking restrictions which are rarely enforced in the evening hours, and with additional vehicles also parking in the few available spaces outside the Chequers Arms Public House, safe vision and vehicle access entering and emerging at this junction becomes hazardous and this will without doubt increase the possibility of accidents.

Continued bad parking at this junction also will limit easy access for emergency vehicles such as fire engines and ambulances entering into Cedar Road.

Supporting Evidence

1 Chequers Arms Internet Facebook Page
2 Local Policing priorities for Hutton & Shenfield
3 Photograph showing vision at junction of Cedar Road and Rayleigh Road.
4 UK Crime statistics Hutton and Brentwood

Jo Nyland will be singing live from around 9pm.
Stephen Haughan will be here signing his new book "Someday Will Be together" the 3rd book in a trilogy.
Plus we have our onsite Kebab Van serving up some freshly made food.
This is an evening NOT to be missed. (4 photos)

Like · Comment 3 1 3 Shares

The Chequers, Hutton
28 October

This Saturday the 1st Nov from 8:30pm we are delighted to welcome back DJ Matt Fuze.

Like · Comment 1 1 Share

The Chequers, Hutton
27 October

Hutton Kebab Menu,,,,Why not treat yourself

2

Local policing priorities for Hutton & Shenfield

Consultation with the community has identified the following priorities in this neighbourhood.

Priority:

Cannabis use, Hutton Community Centre Park.

Issued 2 November, 2014

Action taken:

It has been noticed that in the evenings cannabis is being smoked or dealt in the park, patrols have been stepped up in the area and several psitive results, including one arrest has been made so far.

Priority:

Speeding on Woodlands Avenue, particularly at rush hour times.

Issued 16 May, 2014

Action taken:

Pc Andrews has been in Woodlands Avenue conducting a speed check, continued checks will also take place in the future.
Speeding checks are planned for the future and for fines to be issued.

Priority:

Parking on the pavement outside shops on Rayleigh Road Hutton.

Issued 24 March, 2014

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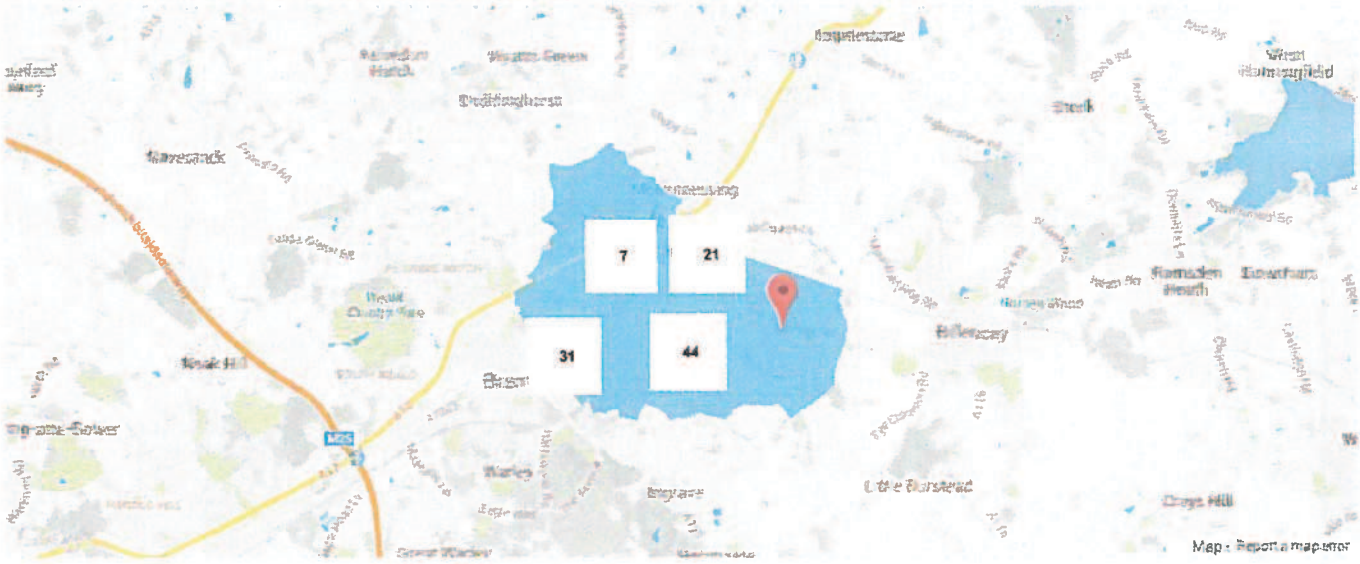
UKCrimeStats

Home | In The News | Neighbourhood Picture | Your Crime | Members | Reports | Blog | About Us

Hutton & Shenfield

Population: 20,812
Policed by: Essex Police

Jump to: Map | League Table | Crime Trends | Neighbourhood Team



High Medium Low Hutton & Shenfield

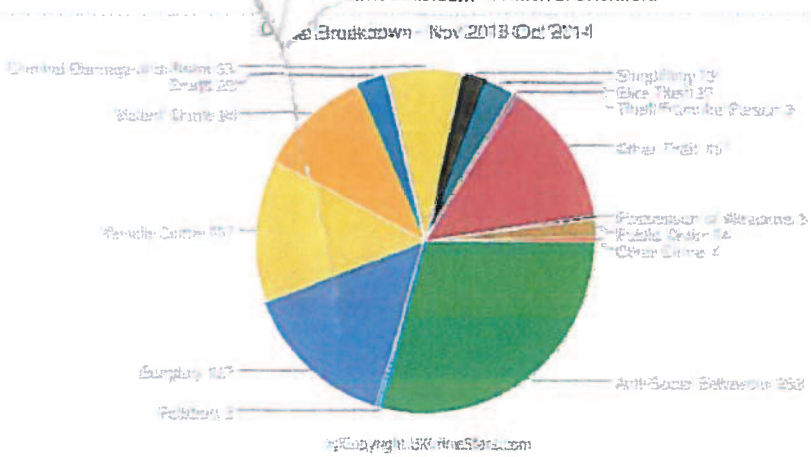
Neighbourhood Picture

The following table and graphs show you crime and ASB breakdowns and trends for Hutton & Shenfield.

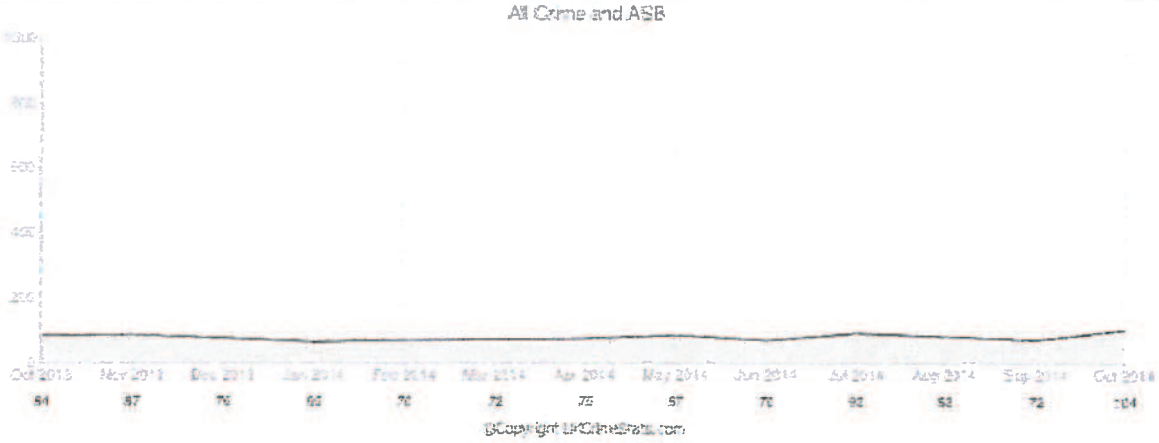
	ASB	Burglary	Robbery	Vehicle	Violent	Drugs	CD&A	Shoplifting	Bike Theft	Theft from the Person	Other Theft	Weapons	Public Order	Other	Total
Oct 2014	26	15	1	24	16	1	3	4	3	1	9	0	1	0	104
Sep 2014	27	9	0	9	4	0	8	1	6	0	4	2	2	0	72
Aug 2014	25	11	0	10	10	1	5	0	10	0	10	0	0	1	83
Jul 2014	37	6	0	5	14	1	6	1	1	0	18	0	4	0	93
Jun 2014	23	10	0	9	9	2	6	2	2	0	7	0	0	0	70
May 2014	26	12	0	8	4	5	6	1	3	0	19	0	2	1	87
Apr 2014	18	10	0	15	9	0	6	2	1	0	14	0	0	0	75

Crime Plus ASB Breakdown for Hutton & Shenfield

4



Crime Type and ASB Charts for Hutton & Shenfield



Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

  A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

  You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

  If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

  - participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
  - participate in any vote or further vote taken on the matter at the meeting.

  These prohibitions apply to any form of participation, including speaking as a member of the public.

  - **Other Pecuniary Interests**

  Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

  If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A ‘relevant person’ is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Licensing Committee
Terms of Reference

General Powers of Committees

This scheme of delegation sets out the functions of the Council to be discharged by its Committees and Sub- Committees and includes the terms of reference of statutory and non statuary bodies set up by the Council.

Each committee or sub committee will have the following general powers and duties:

(a) To carry out the duties and powers of the Council within current legislation;

(b) To comply with the Council's standing orders and financial regulations;

(c) To operate within the budget allocated to the committee by the Council.

(d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council

(e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the Committee;

(f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;

(g) To consider and approve relevant service plans;

(h) To determine fees and charges relevant to the Committee;

Licensing Committee

(a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.

(b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.

(c) To determine all fees and charges relevant to matters disposed by the Licensing Committee.

(d) To be responsible for all the Council's licensing and registration functions as detailed in Part B of Schedule 1 Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) in so far as they pertain to matters concerned with:

1. Trading Requirements
2. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
3. Animal Welfare and Security
4. Skin Piercing, Acupuncture, Electrolysis and Tattooing
5. Sex establishments (including Sex Entertainment Venues (SEV))
6. Pavement Permits
7. Charitable Collections
8. Camping, Caravan Sites and Mobile Homes
9. Scrap Metal
10. Game Dealers

(e) Any other matters relating to licensing as may be referred to the committee for consideration.

(f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.

(g) To manage and monitor the budgets in respect of licensing and vehicle licensing