

Licensing Committee Agenda

HEARINGS TO CONSIDER VARIOUS APPLICATIONS

This meeting will consider only licensing matters delegated under the Licensing Act 2003

26 March 2019 at 10am

**Crompton Room, Civic Centre,
Duke Street, Chelmsford**

MEMBERS OF COMMITTEE INVITED TO ATTEND HEARINGS

Councillor L. Millane (Chairman)

and Councillors
R.A. Alcock, and F.B. Mountain

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement.

If you would like to find out more, please telephone Daniel Bird in the Democracy Team on Chelmsford (01245) 606523 email daniel.bird@chelmsford.gov.uk, call in at the Civic Centre, or write to the address above. Council staff will also be available to offer advice in the Civic Centre for up to half an hour before the start of the meeting.

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LICENSING COMMITTEE**HEARINGS OF VARIOUS LICENCE APPLICATIONS****26 March 2019****AGENDA**

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATION OF INTERESTS**

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. **MINUTES**

To consider the minutes of the meeting held on 4 March 2019.

4. **LICENSING ACT 2003 – APPLICATION FOR A NEW PREMISES LICENCE – DONER ZAMANI, BACKNANG SQUARE, CHELMSFORD, ESSEX, CM2 6FF**

A report regarding this application is attached.

PART II (EXEMPT ITEMS)

To consider whether the public (including the press) should be excluded from the meeting during consideration of the following agenda items on the grounds that it involves the likely disclosure of exempt information specified in the appropriate paragraph or paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 indicated in the Agenda item.

5. **LICENSING ACT 2003 – APPLICATION FOR A PERSONAL LICENCE**

A report regarding this application is attached.

Category: Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to any individual)

Public interest statement: It is not in the public interest to disclose the content of this report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.

MINUTES

of the

**LICENSING COMMITTEE
HEARING**

held on 4 March 2019 at 7pm

Present:

Councillor L. Millane (Chairman of Hearing)

Councillors, R.A. Alcock, J. De. Vries and F.B. Mountain

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda, none were made.

3. **Minutes**

The minutes of the hearing held on 21 January 2019 were agreed as a correct record and signed by the Chairman.

4. **Licensing Act 2003 – Application for a New Premises Licence – Chelmsford Museum, Moulsham Street, Chelmsford, Essex, CM2 9AQ**

The Committee considered an application for a new premises licence in respect of Chelmsford Museum, Moulsham Street, Chelmsford, Essex, CM2 9AQ. The licence being applied for was as follows:

Provision of Films:

Saturday 12:00-22:30

Sunday 12:00-22:30

Live Music:

Everyday 11:00-23:00

Christmas Eve 12:00-00:00

Boxing Day 12:00-00:00

New Year's Eve 12:00-01:00

Recorded Music:

Everyday 07:00-23:00

Christmas Eve 07:00-00:00

Boxing Day 07:00-00:00

New Year's Eve 07:00-01:00

Performances of Dance:

Everyday 12:00-23:00
Christmas Eve 12:00-00:00
Boxing Day 12:00-00:00
New Year's Eve 12:00-01:00

Supply of alcohol:

Everyday 11:00 – 23:00
New Year's Eve 11:00-01:00

The Committee and those present were reminded that a revised copy of Appendix C to the report had been published. It was noted that this had corrected a printing error and therefore included all of the correct information. It was also noted that copies had been posted to the Committee and relevant parties.

The Committee was also reminded that a premises with a licence for the on sales of alcohol did not require a licence for live or recorded music between the hours of 8 am and 11pm for under 500 people.

It was noted by the Committee that there were three options namely;

1. Grant the application, on the terms and conditions applied for.
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
3. Refuse the application in whole or in part.

The following parties attended this hearing and took part in it:

The Applicant**Objectors – Members of the Public**

The Chairman advised that the written representations had been read and considered by the members of the Committee in advance of the meeting. The Chairman invited the applicant to introduce their application.

The applicant informed the Committee that she was withdrawing the additional requested hours for the festive period. Therefore, the stated extensions for licensable activities on Christmas Eve, Boxing Day and New Year's Eve were no longer being applied for after discussion with local residents.

The applicant stated that she had been a personal licence holder for over 10 years and from living nearby the park understood the importance of the park and museum to local residents. She stated that objectors had expressed strong opinions on the licence application, and she wished to clarify points and work with local residents.

The Committee heard that there would be limited sales of alcohol and only for museum or private hire functions. The Committee was informed that alcohol would not be routinely sold in the daytime at the Hive Café and that access to the café and museum after 5pm would only be for pre booked private events. The Committee also heard that there were not plans to hold 18th Birthday and Stag do style events at the premises and it would be more catered towards sit down dinner style events. The Committee was also informed that 'museum lates' may take place where evening events could be held to display and present new exhibits to the museum.

The applicant stated that as mentioned by the Licensing Officer a licence was not required for music before 11pm but that there was not going to be major noise disturbances anyway. The Committee heard that the Hive Café currently had one small speaker for background music and there were no external set ups for music etc. It was also stated that no drinks would be consumed on the patio or elsewhere outside of the premises after 10pm to reduce any possible noise disturbances to nearby residents.

The applicant informed the Committee that many residents had expressed concerns regarding the operation of the entrance gates to the park. She explained that the usual procedures would continue for the gates unless evening events were taking place after 5pm. It was noted that in this instance anyone attending the private event would be informed that the gates would be open for a short period to allow guests to attend before then closing and being re-opened at a set time to allow guests to leave. It was noted that this would stop other members of the public entering the park after it's normal closing time and that a member of staff would be at the entrance gates checking invitations etc.

The applicant told the Committee that she understood residents had security concerns regarding the licence application. She informed the Committee that she was an experienced operator of licenced premises and felt that the presence of the café/museum being open on certain evenings would actually help to reduce other security problems experienced by residents in the park. It was noted that the presence of a lit building and museum would actually deter people from entering the park for anti-social behaviour etc. In summary the applicant stated that she was an experienced operator of licenced premises and felt that the steps put in place would be sufficient to support the four licensing objectives.

The local residents (who had made written representations) addressed the Committee and expressed the following concerns regarding the application;

- The café seemed too large for the museum and had taken up valuable exhibition spaces.
- The park already experienced drug and knife issues and the availability of alcohol would only serve to increase these issues.
- There were enough cafes or drinking establishments further down Moulsham Street already.
- Noise from the premises would easily reach neighbouring houses and lead to disturbances etc.
- Despite the festive operating hours being withdrawn, the licence holder would just be able to apply for temporary event notices anyway.

- The area surrounding the park was residential and mainly made up of elderly residents or young families.
- The nearby pub on New London Road already caused major noise disturbances when it held special annual events.
- There was zero police presence in the park to deal with the existing drug and alcohol based issues.
- The availability of alcohol would create a possible overlap with existing anti-social behaviour issues within the park.
- This was a town centre park of only 5 acres in a residential area and was not similar to the much larger Hylands Park.
- The licence holder could not guarantee having control of those visiting the premises and there would be public safety issues as a result, especially for young children visiting and playing in the park or museum.
- The licence holder could also not guarantee that there would be no public nuisance as a result of the application.
- Oaklands Park and the museum should not be treated as a money-making venture for the Council and it would not be successful in the way that Hylands Park and House has been.
- Music from the premises would attract others to attend.
- Who was the landlord of the museum and if it is the Council is there not a conflict of interest in granting a licence.

In response to the concern of who the landlord was, it was confirmed by officers that the Council was the landlord of the park and museum. The Committee confirmed there was not a conflict of interest and as the licensing authority they were able to make a fair and informed decision.

In response to the other verbal concerns raised by the residents the applicant made the following points;

- The constant presence in the museum and café would actually act as a deterrent to drug users or people consuming alcohol in the park and they would work with the police to be vigilant and report any issues. The premises staff would essentially be an extra pair of eyes for other issues in the vicinity of the premises.
- That staff would be completely in control of alcohol consumed at the premises as corkage would not be allowed and they would therefore be in charge of every sale. There would always be the licence holder or the designated premises supervisor on the site when alcohol was being sold and excessive consumption would not be allowed.
- That they would be happy for a condition mandating the use of SIA security when alcohol was available.
- CCTV covered the entrance, exit and surrounding areas of the museum and café site.

- The wider park was not under the licence holders' control in terms of broken glass elsewhere in the park but she would make sure the premises didn't add to the problem with controlled areas for drink consumption and regular sweeps of the area etc.
- Those booking private functions would be informed that the gates would be open for a set time to allow entry and exit to the event and they would have to arrive at the set time to gain entrance etc.

A member of the Committee stated that there had been no representations received from the responsible authorities to the application. A member of the Committee also stated that the application seemed to be designed for small events rather than large events that residents seemed concerned over. Another member of the Committee stated that the points made by the applicant were comprehensive in adhering to the licence objectives. It was also stated that the applicant was not responsible for other issues inside the park and that the licence application should not be affected as a result of issues outside of the possible control of the licence holder. It was noted that the licence could not be decided on the basis of assumptions of future issues.

In response to questions from the Committee the applicant confirmed that;

- Additional parking was now available at the premises but those booking events would be informed that only limited parking was available.
- A member of staff would be present at the entrance gates for evening events to check invitations etc.
- The police had welcomed the opportunity for additional eyes in the park to help with anti-social behaviour issues etc.
- Drinks from large glass bottles would be decanted into smaller glasses but the use of plastic was not planned.
- It was not envisaged that events for more than around 50 people would take place in the café area. It was noted that the upstairs museum space could cater for more however.

In response to a further question from a member of the public, the Committee's legal advisor stated that it was not possible in this context to place a condition on the number of people visiting the premises. The Committee's legal advisor also sought clarification from the applicant on the condition she was offering regarding the use of SIA security staff. The applicant confirmed that she was offering a condition that whenever alcohol was being sold on the premises after 5pm that SIA trained security staff would be present and patrolling around the perimeter of the licensed area.

The Committee's legal advisor commented that on the face of it this appeared to be a rather onerous condition and was possibly more suited to a condition that would be placed on a licence which was being reviewed due to evidenced issues. Ultimately, however, it was for the Committee to decide whether to impose such condition (if it was minded to grant the application).

The Committee retired at 8pm to deliberate on the matter and returned at 8.15pm

RESOLVED that the Director of Public Places be authorised to grant the application on the terms and conditions applied for, excluding the additional hours requested on Christmas Eve, Boxing Day and New Year's Day as withdrawn by the applicant.

The Chairman provided a summary of the reasons for the Committee's decision and advised that a formal decision notice would be sent out in due course to the relevant parties.

In reaching its decision the Committee has taken into account all representations and is satisfied with the steps that the Applicant proposes to promote the Licensing objectives.

The Committee had carefully considered the concerns expressed by the objectors but considered that there was no evidence to indicate prospective harm at this stage. The Committee was mindful of the fact that none of the responsible authorities were objecting to the application.

The Committee does not consider it necessary or proportionate to impose a condition requiring a member of security staff to be present during events taking place after 5pm where alcohol is served. This is a matter which should be left to the Licence Holder's discretion.

The Committee would remind the parties that if, subsequently, there is evidence of public nuisance (e.g. unacceptable levels of noise), or Crime and Disorder, or other problems relating to one or more of the licensing objectives arising from the use of the premises during the operation of the licensable activities. Then it is open to people to request a review of the licence in which case the matter would come back to the Committee.

The meeting closed at 8:17pm.

Chairman

LICENSING COMMITTEE

26th March 2019

AGENDA ITEM 4

Subject	LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE DONER ZOMANI, BACKNANG SQUARE, CHELMSFORD, ESSEX, CM2 6FD
Report by	DIRECTOR OF PUBLIC PLACES

Daniel Winter (01245) 606317,
Email (int./ext.) Daniel.Winter@chelmsford.gov.uk

Purpose

To consider an application for a new premises licence, having regard to representations received and the requirement to promote the four licensing objectives:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Options

Members are advised that they have the following options when determining this application.

- (i) Grant the application, on the terms and conditions applied for
- (ii) Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
- (iii) Refuse the application in whole or in part.

The Committee is reminded that the applicant or any person making representation in relation to this matter may appeal the decision of the Council to the Magistrates' Court.

Corporate Implications	
Legal:	The Licensing Act 2003
Financial:	None
Personnel:	None
Risk Management:	None
Equalities and Diversity:	None
Health and Safety:	None
IT:	None
Other:	None

Consultees	None
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Policies and Strategies
The Council's Statement of Licensing Policy as required, by the Licensing Act 2003.

Corporate Plan Priorities	
The report relates to the following priorities in the Corporate Plan:	
Promoting sustainable growth to stimulate a vibrant balanced economy and provide more housing of all types.	
Making Chelmsford an even more attractive place, promoting Chelmsford's green credentials and creating a distinctive sense of place.	
Promoting healthy, active lifestyles and encouraging people to live well, making Chelmsford an even more enjoyable place in which to live, work and visit.	
Being outward looking, willing and committed to work in partnership to secure investment in the City, deliver key infrastructure projects and build community capacity.	
Investing in the organisation, its people and the working environment to ensure that the City Council is effective, high performing and successful in delivering its goals.	

1. Introduction

- 1.1 Members are requested to consider an application by Temel Bahsi made under Section 17 of the Licensing Act 2003, for a new premises licence in respect of Doner Zomani's, having regard to the representations received and the requirement to promote the four licensing objectives, namely:
- a) the prevention of crime and disorder
 - b) public safety
 - c) the prevention of public nuisance
 - d) the protection of children from harm

2 Background

- 2.1 The premise licence application is in relation to a proposed catering trailer offering Turkish Authentic food. The Premise is located in Backnang Square alongside the River Chelmer, which is situated on Meadows Shopping centre property.
- 2.2 Originally the application was for a Street Trading Consent, received through Chelmsford City Council's Website on the 24th January 2019, however this was rejected as the application was not required. As detailed in the Street Trading Consent Policy section 3.0 it states the following:

Non-application of policy to consent streets within Chelmsford City Centre

Chelmsford High Street and other streets (principally pedestrianized areas) within the City Centre have been designated as consent streets for many years. The new district wide designation replaces these individual designations and it will, therefore, still be necessary for individual to obtain a street trading consent in order to lawfully engage in street trading within the City Centre. Historically, street trading has always been closely controlled within the City Centre and separate policies govern the issue of Consents. The Public Places directorate is responsible for issuing consents in respect of market stalls located in the High Street and the Town centre Management in respect of other cases. This policy does not change these arrangements.

- 2.3 It was therefore established that as a department we were not able to issue a Street Trading Consent for this applicant as the area in which the business is located is deemed to be part of the city centre.

3. Application

- 3.1 The applicant was advised to apply for a new premises Licence to cover the sales of hot food and drink from 23:00 onwards. The new application was received on the 31st January 2019 for the following licensable activities:

Late Night Refreshment Wednesday 23:00 - 03:00

Late Night Refreshment Friday Midnight till 04:00

Late Night Refreshment Saturday Midnight till 04:00

- 3.2 Members are advised that Doner Zomani is open during the day without the need for a licence as detailed below:

Tuesdays 12:00 – 18:00

Wednesday 12:00 – 18:00

Thursday 12:00 – 18:00

Friday 12:00 – 18:00

Saturday 12:00 – 18:00

Sunday 11:00 – 16:00

Members are advised that a licence is not required for the supply of hot food and drink between the hours of 18:00 and 23:00

- 3.3 On the 7th February 2019 the application was considered valid and sent out to responsible authorities for consultation.
- 3.4 On the 11th of February 2019 Mr Bahsi made an amendment to the application informing us that he no longer wished to trade on Wednesday evenings. The consultation period was not restarted as a result of this change as the licensable hours had been reduced, however due to the public notices not being displayed on the 1st day of the consultation; an extra day was added on to the closing date for representations being the 8th March 2019.
- 3.5 The application has been properly made in accordance with The Licensing Act 2003 and all procedures correctly followed. The completed application form is attached as **Appendix A**.
- 3.6 Members are asked to note that as this report is published publicly, personal details have been redacted from some documents; however, the licensing authority and the applicant have received complete copies of all documents.
- 3.7 The applicant has provided conditions consistent with the operating schedule intended to promote the four licensing objectives which are included as part of the application shown in **Appendix A**.
4. Representations
- 4.1 During the course of this application, in line with the Act, we sent a copy of the application to:
- Essex Police
Essex County Fire and Rescue Service
Head of Planning Services
Principal Environmental Health Officer (Environmental Protection)
Head of the Children's Safeguarding Service
Essex Trading Standards
Principal Environmental Health Officer (Commercial)
Licensing Authority
Public Health Trust
Home Office
- 4.2 Responses to the consultation on this application have been received from Essex Police and Councillor De Vries on the grounds of The Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. Copies of all the representations received are attached to this report as **Appendix B** and from Cllr De Vries as **Appendix C**.
- 4.3 A plan indicating the location of the premises is attached as **Appendix D**.

5. Statement of Licensing Policy

5.1 There are no specific issues arising from this application relevant to the Council's statement of licensing policy.

5.2 The following extracts from the Council's statement of licensing policy are brought to the general attention of members:

(1.2) When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule to promote the four licensing objectives aim to achieve that outcome, as far as possible.

(1.37) Where relevant representations are made, the Council will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure promotion of the licensing objectives.

(1.41) The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions will therefore be avoided and no condition will be imposed that cannot be shown to be appropriate and proportionate for the promotion of the licensing objectives.

List of Appendices

Appendix A	Copy of application form
Appendix B	Essex Police Representation
Appendix C	Councillor J. De Vries Representation
Appendix D	Plans indicating the location of the premises
Appendix E	Further Essex Police Representation

Background Papers

APPENDIX A



Chelmsford Application for a premises licence Licensing Act 2003

For help contact
licensing@chelmsford.gov.uk
Telephone: 01245 606727

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

☒ An individual or individuals

☐ A limited company / limited liability partnership

☐ A partnership (other than limited liability)

☐ An unincorporated association

☐ Other (for example a statutory corporation)

☐ A recognised club

☐ A charity

☐ The proprietor of an educational establishment

☐ A health service body

☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales

☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England

☐ The chief officer of police of a police force in England and Wales

Confirm The Following

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

☐ I am making the application pursuant to a statutory function

☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes

☐ No

First name

Temel Bahsi

Family name

Temel

Is the applicant 18 years of age or older?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as given in section one?

☒ Yes

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

Right to work share code

that demonstrate entitlement to
K
share code if not submitting
documents

Second Applicant Name

Is the name the same as (or similar to) the details given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Jennifer Bahsi

Family name

Jennifer

Is the applicant 18 years of age or older?

☒ Yes

☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Second Applicant Contact Details

Are the contact details the same as those given in section one?

☐ Yes

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Date of birth

Nationality

british

Documents that demonstrate entitlement to work in the UK

Right to work share code

n/a

Right to work share code if not submitting scanned documents

Remove this applicant

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

01 / 02 / 2019

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

Provide a general description of the premises

Continued from previous page...

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.

We are a catering trailer offering Turkish authentic food, we would like the premises license so that we can serve the public on evenings as well as the days, offering fresh wholesome food to people on their way out or maybe their way home. We also think it could benefit customers leaving bars and clubs next to us by them eating because going home and offering them something warm to eat. No alcohol is ever served on site. We had had a huge success with the local businesses around us and have all been very welcoming we feel backnang square is complete with us as we all offer something different.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

Continued from previous page...

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Hot food and soft drinks served.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

no same as usual

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

no late night services on holidays like Christmas eve

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes

☒ No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☒ Electronically, by the proposed designated premises supervisor

Continued from previous page...

☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

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

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 etc gambling machines etc.

None of this.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 11:00

End 16:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

On the whole our location is overlooked/in sight by the doorteam security of neighbouring bars 'popworld' and 'ctzn' we have cctv property of the meadows, a first aid kit, telephone on site for emergency calls if needed and our fire precautions in order.

We are a family takeaway who will not be serving alcohol only food and non alcoholic soft drinks.

The community is very important to us we are more than happy to advertise posters such as;

please leave quietly

ask angela

dont drink and drive etc

we want to be known as a respectful takeaway who is there for chelmsford.

b) The prevention of crime and disorder

If anything suspicious was to be witnessed on site we would want to resolve this calmly and quietly, as previously mentioned no alcohol is served and this is a takeaway meaning customers are not on site for long. We would call 999 for crime and disorder as confrontation can increase the risk of this, we are also covered by CCTV cameras of the meadows.

c) Public safety

We have a first aid kit on site and fire precaution equipment.

This is a takeaway kiosk so customers do not have access to the physical premises only the outside to make orders, if anyone needed help beyond our means necessary steps would be actioned e.g calling 999

Continued from previous page...

d) The prevention of public nuisance

We have no where customers can sit on premises of an evening this is strictly takeaway so customers will order food and leave the premises, this eliminates loud loiterers.

We supply ample bins for rubbish and do a sweep of area before closure to ensure our area is kept clean and respectful. We also sell nothing in glass so no noise from broken glass or emptying glass.

We have no music on site, customers on average wait 5 to 10 minutes at an absolute maximum for food prep and then leave.

If required we would be more than happy to display signs such as please leave premises quietly.

e) The protection of children from harm

We would not tolerate foul acts on site customers would be politely asked to be respectful of their surroundings served their food and be on their way.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. For instructions on calculating the fee payable in respect of this licence, please refer to: <http://www.chelmsford.gov.uk/apply-new-licence>

* Fee amount (£)

123.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to 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.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Continued from previous page...

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/chelmsford/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

APPENDIX B



Mr M. Evans

Licensing Manager
Public Places
Chelmsford City Council
Duke Street
Chelmsford
Essex
CM1 1JE

Chelmsford Police Station

Licensing Unit

New Street

Chelmsford

Essex

CM1 1NF

Tel: 01245 212595

Email:

licensing.chelmsford.and.maldon@essex.pnn.
police.uk

Date: 18/02/2019

Dear Mr Evans

Doner ZAMANI – Premises Licence Application

Late Night Refreshment – Catering Trailer, Backnang Square Chelmsford CM2 6FF

Following receipt of the above application for a Premises Licence at the above location, Essex Police have researched crime data and calls for service within this immediate area and give formal notice that it is their opinion that to grant the licence would undermine the objective of preventing crime and disorder and therefore give formal notice of our objection.

Should the application not be withdrawn and a hearing convened to be heard by the Chelmsford Licensing sub-committee Essex Police reserve the right to amplify on their submission and produce supplementary evidence necessary to support that objection which will be served on each relevant party ahead of the meeting.

Essentially research shows that the chosen location is an identified Night Time Economy hotspot for crime, disorder, anti-social behaviour and public nuisance due to the number of licensed premises within the immediate area. Most licensed premises remain open of a weekend in this location until around 4am and recorded crime in this area has exceeded more than 100 reports over a 12 month period with a concerning number associated with violence and sexual offences.

It is well established that late night refreshment venues tend to act as a hotspot for crime and disorder and that in allowing the provision only extends this period and causing such behaviour to continue, when the objective should be a slow dispersal and encouragement to leave the city centre. 4am is a time when the local authorities and services need time to reset the City ready for commencement of the Day Time Economy.

Late night refreshments are available elsewhere in the City throughout the night, but under conditions where customers are contained within premises and can be controlled by the provision of door staff, CCTV and supported by policies. Given that this application relates to a

catering trailer in an area that is open and in a public place, no such safeguards could be offered or sought.

Essex Police therefore have a duty to ensure that applications of this nature do not adversely impact on the community in respect of crime and disorder, public safety and nuisance and therefore feel that given the data around these issues have any other alternative than to raise their concerns and objections.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Nigel Dermott', with a stylized, cursive script.

Nigel Dermott
Police Licensing Officer
Chelmsford and Maldon

APPENDIX C

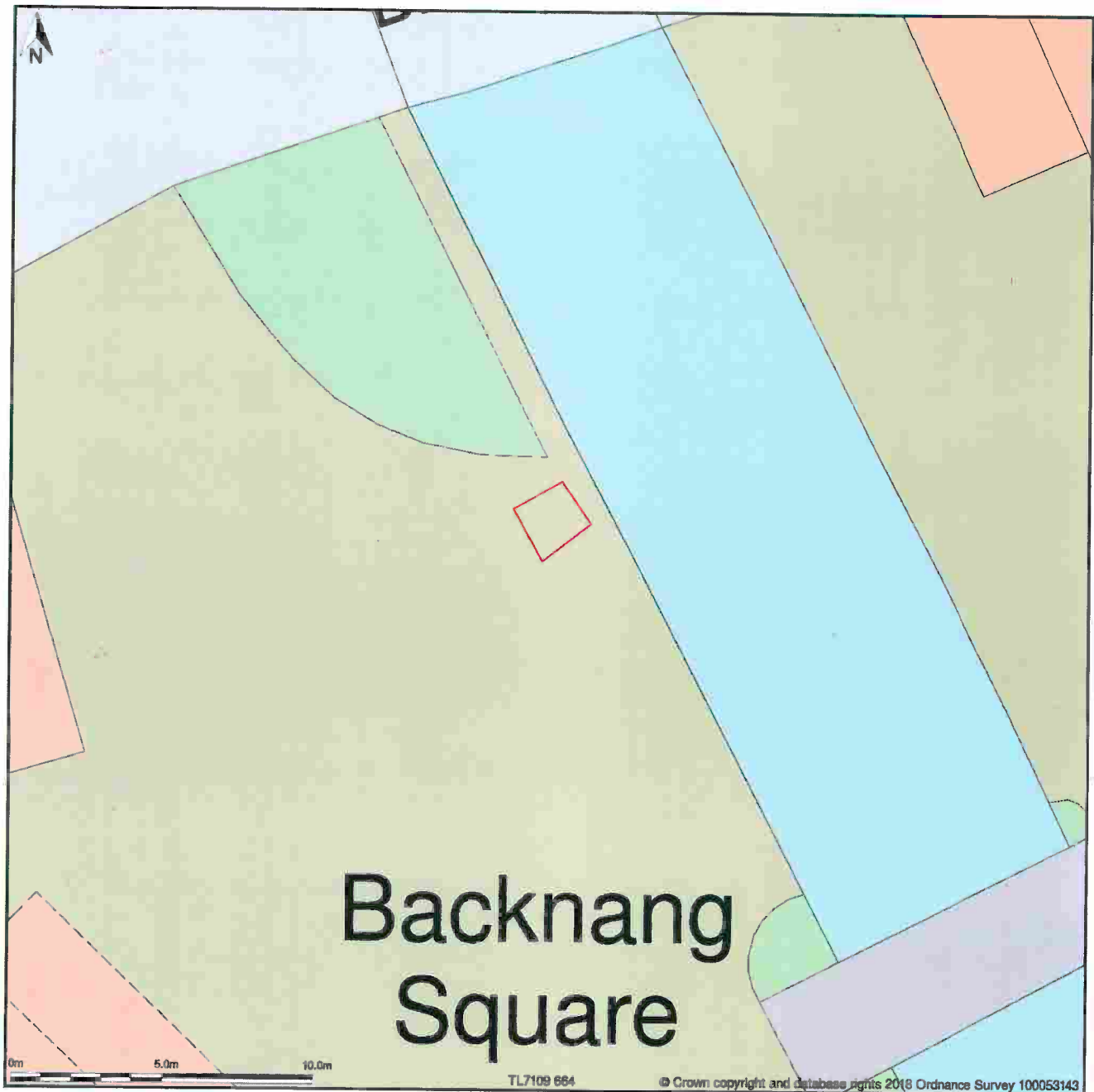
If this is the kebab van that has sprung up recently outside wildwood I would love to know who gave permission for him to trade from there in the first place. This van is an eyesore in a riverside area we are working hard to develop in our city centre. We recently installed a listening bench to encourage people to sit and peacefully reflect. Now people are sitting alongside a smelly kebab van knee deep in litter.

If he now wants to trade off the pub and club turnouts I can see it attracting people to congregate in a small area instead of dispersing naturally. This will lead to public disorder.

Kind Regards

Cllr Jon de Vries
Patching Hall Ward
Chelmsford City Council

Costa Coffee, 1-2, Backnang Square, Chelmsford, Essex, CM2 6FF

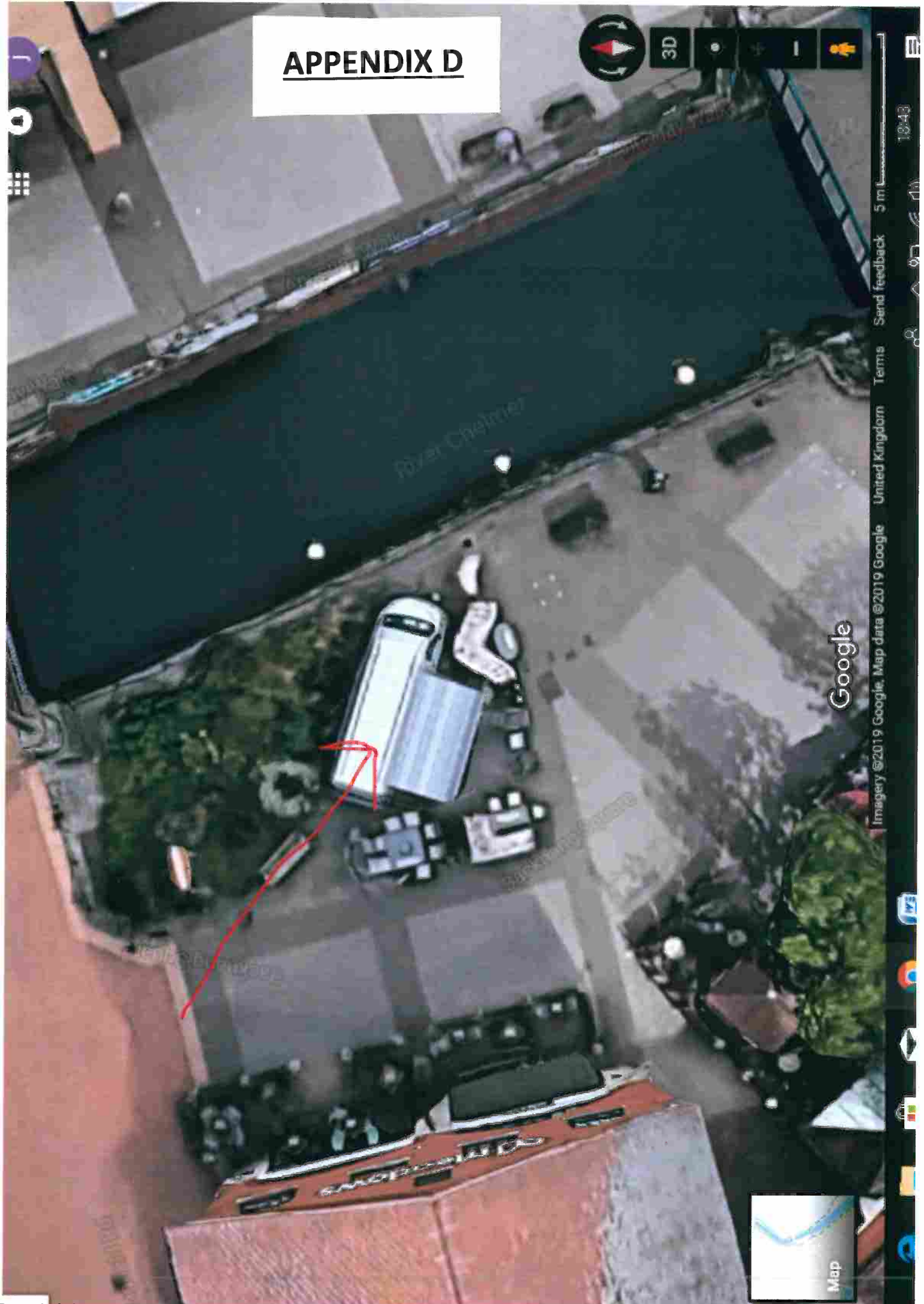


Block Plan shows area bounded by: 571076.09, 206627.62 571112.09, 206663.62 (at a scale of 1:200), OSGridRef: TL7109 664. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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APPENDIX D



WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Nigel DERMOTT

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: DLO 76439

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:..... (witness) Date:13/03/2019

I, Nigel Dermott, will say as follows:-

1. I am a retired Essex police Sergeant and now a police licensing officer covering the Essex Police Districts of Chelmsford and Maldon.
2. I have a post graduate certificate in respect of crime prevention and problem solving with the Jill Dando Institute of Crime Science (UCL).
3. Since retirement from police service in 2006 I have maintained contact with licensing matters via numerous roles of employment including training and policy development for a leading Licensing Solicitor Advocate before formally taking up my current role as the divisional police licensing officer covering the Chelmsford and Maldon districts in January 2016.
4. I am authorised by the Chief Constable of Essex Police to make representations on his behalf under the Licensing Act 2003.
5. At about 12:00hrs on Thursday 31st January 2019 I approached the stall holder at Doner Zamani situated in Backnang Square, Chelmsford, Essex CM2 6FD and enquired regarding their hours of service.
6. Donar Zamani is a fast food takeaway that provides burgers, chips and kebabs etc during the daytime and it also came to my attention that this mobile trailer unit was serving hot food and drink of a night time until the early hours and had been doing so since about December 2018.

Signature:.....

Signature witnessed by:

7. The staff were quite open in that they had indeed been trading until about 4am of a weekend and that they had spoken with an officer from the council that same morning who had informed them that to continue trading beyond 11pm they would need to apply for a premises licence.
8. Further conversation related to the fact that the landowners had indicated that no such licence was required due to the fact that the trailer was on private property which they now accepted was not the case as all licenced premises are situated on private property, Doner Zamani was situated on a public thoroughfare and indeed numerous other businesses in this area known as 'the meadow site' had applied for Premises Licences and given Temporary Event Notices.
9. The advice was taken that they would need to apply for a Premises Licence if they wished to continue trading hot food and drink beyond 11pm on any day of the week.
10. Essex Police subsequently received a copy of an application made to the licensing authority for a Premises Licence on 8th February 2019.
11. Donar Zamani is situated centrally within the City night time 'hotspot' among other licensed premises and restaurants and directly in front of Popworld. Most of these venues continue trading until about 4am unless in accordance with Temporary Event Notice, which is not uncommon.
12. Policing need is determined from assessing 'calls for service' – or 'incidents' (STORM reports) and 'Recorded Crime' (Athena reports). Not all 'calls for service' result in a 'recorded crime' and recorded crime does not include those matters not required to be 'recorded' by the Home Office e.g. simple drunk. There are therefore a number of matters that would be unrecorded and result in police action and equally a number of 'crimes' that for one reason or another are not formally 'recorded'. This is complex but in brief the following figures represent a minimum number of incidents that persons have decided to call in to Essex Police or formally report as 'crime'. We know that only a small percentage of these matters are brought to the attention of police and I would ask that the licensing authority take account of this fact based on 'reasonable grounds'.
13. Having researched crime figures that would be readily accessible to the applicant on www.police.uk for this area I can say that between December 2017 and January 2019 there have been a total of 100 recorded crimes that I have assessed as alcohol related and removed any others that may not have been influenced by the night time economy. These figures can be directly related to this area using the mapping facility on that website.

Signature: 

Signature witnessed by:

14. On Essex police systems there have been 113 calls for service over the same period with 20 of those taking place in the area directly outside the main entrance of Tesco between midnight and 5am. This is an area where taxis often congregate although not a formal taxi rank.
15. Essex Police are of the opinion that firstly this facility had been trading for nearly two months without understanding the need for a premises licence. Whilst to refuse a licence on that basis may be seen as punitive the position regarding Late Night Refreshments (LNR) involves no training, qualifications or personal licences and to date this shows a clear lack of understanding of the requirements of the Licensing Act 2003.
16. I understand that the door staff working locally have been provided with food and drink from Donar Zamani previously, clearly with the intention that they help out should problems arise. Whilst on the face of it this seems a practical solution, door staff have no third party liability insurance when assisting and they are drawn away from their primary roles at the venues where they are employed.
17. The level of offending behaviour in this area is considered directly related to levels of intoxication which is so prevalent that other nearby LNR venues have conditions imposed to use door supervisors to control queues etc. This application is for a food vending van in an area having public right of way. With no means of restricting access by security, the prevention of any increase in crime and disorder cannot be mitigated.
18. This immediate area presents a higher risk of disorder if intoxicated customers have less reason to disperse. Experience shows that all too often LNR venues can act as a flash point where people instigate disorder or meet up at the end of the evening and revisit old arguments.
19. As the licensing officer for Chelmsford well versed in best practice within the NTE I would recommend that the application for the grant of a Premises Licence be declined on the basis that to grant would undermine the prevention of crime and disorder objective.

Signature:

Signature witnessed by: