

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Monday 12 June 2017 at 9:30 am

Attendance:

Councillor J Budzynski (P) Councillor N Anderdon (P)
Councillor A Johnston (P)

Also in attendance:

Mr C Kutlubay, Applicant
Mr Kutlubay, Interpreter
Lorna Taylor, Senior Environmental Protection Officer

1 **Appointment of Chairman**

Resolved:

That Councillor Budzynski be appointed Chairman for the duration of the meeting.

NOTE: The meeting was adjourned at 9:45 am following the first 3 items whilst awaiting the arrival of the Applicant. The meeting reconvened at 10:12 am.

2 **Application for variation of a Premises Licence –
Flames, 37 London Street, Andover, SP10 2NU**

The Sub-Committee considered an application submitted by Mr C Kutlubay for the variation of the existing Premises Licence for the late night take-away premises known as Flames, 37 London Street, Andover, SP10 2NU. The applicant had applied to vary the times during which provision of late night refreshment may take place such that it would cease at 0500 hours the following morning Wednesday to Sunday; the times for Monday and Tuesday remained unchanged. The premises were licensed for the provision of late night refreshment until 2400 hours Sunday to Wednesday and until 0400 hours the following morning on Thursday, Friday, Saturday and Bank Holiday evenings. This application had attracted a representation necessitating the application to be determined at a hearing.

The premises were a late night fast food take-away located in the centre of Andover, close to a number of licensed premises. An evening only taxi rank and taxi booking office were located at the end of the road in which the premises are located and it is not unusual for the general area to be very busy later in the evenings as patrons leave licensed premises in the area.

The Senior Environmental Protection Officer was invited to address the Sub-Committee. She explained the role of the Environmental Protection Team with regards to the Licensing process and informed the Committee that the area surrounding the application site included several residential properties.

The main concern raised by Environmental Health was the failure of the applicant to provide any mitigation measures for the abatement of noise that could arise from the newly requested weekend hours.

The Sub-Committee were given the opportunity to raise questions of the Senior Environmental Protection Officer.

On arrival of the Applicant at 10:15 am, the Chairman introduced Members and Officers of the Sub-Committee.

Mr Kutlubay was invited to address the Sub-Committee. He informed Members that there had been no issues with the police and that the problems with litter had been addressed. He also advised that they had applied for several Temporary Event Notices in the past requesting an extension on opening hours which had been accepted.

He then informed the Sub-Committee that the variation was only intended for special occasions such as Bank Holidays and not on a permanent basis as initially presented.

Following this latter piece of information the Chairman adjourned the meeting to enable the two parties to reconsider the application.

Upon return, an amendment to the application was presented.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

Upon return, the Chairman informed the meeting that the Sub-Committee, in reaching its determination upon the matter, had had regard to the National Licensing Guidance issued under Section 182 of the Licensing Act 2003, Test Valley Borough Council's own Licensing Policy, together with the representations made at the Hearing and in writing.

DECISION

In reaching its decision on this application, the Sub-Committee had had due regard to the National Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, to the Council's own Statement of Licensing Policy, and together also to the written representations duly made prior to today's hearing, and to the oral representations made here today.

The Sub-Committee agreed to the following amendments to the licence:

On no more than 15 occasions a year, but those days limited to the mornings after any Friday, Saturday and Bank Holiday, the hours of licensable activity will be extended until 0500 hours. The licence holder will keep a record of the dates when extended hours are used. On these dates a minimum of one SIA door staff will be present until 0500 hours.

Resolved:

That the variation of the premises licence, as amended, be approved.

(The meeting ended at 11:42 am)