

# ANNEX 1

Test Valley Borough Council

## Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Christopher Lewis

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Hasan Kebab and Burger Van Premier Way	
<b>Post town</b> Romsey	<b>Post code (if known)</b>

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Murat Bora
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<b>Number of premises licence or club premises certificate (if known)</b> PREM/16/0508
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### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Mr Christopher Lewis – Principal Environmental Health Officer Test Valley Borough Council Beech Hurst Housing & Environmental Health Service Weyhill Road Andover Hampshire SP10 3AJ
Telephone number (if any) <b>01264 368 465</b>
E-mail address (optional) <u><a href="mailto:christopherlewis@testvalley.gov.uk">christopherlewis@testvalley.gov.uk</a></u>

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 2)**

There are two grounds for review as below.

1. Prevention of Crime and Disorder

Mr Bora is trading illegally as he does not hold a Street Trading Consent from the Council under the Local Government (Miscellaneous Provisions) Act 1982. This follows the resolution of the Licensing Committee on 12<sup>th</sup> September 2017 (see supporting information below). Therefore, he cannot have a Premises Licence under the Licensing Act 2003, allowing him to trade between certain hours, when he has no legal consent to be there as a street trader at any time in the first place.

2. Public Safety

The presence of Mr Bora on Premier Way, Romsey presents a risk to public safety. Specifically that although he is not parked directly on the double yellow lines that have been painted at the southern end of the road where he continues to trade, his customers do. This interferes with sight lines and the safe movement of traffic.

Given the above, I ask that the Premises Licence that Mr Bora holds from the Council under the Licensing Act 2003 permitting the provision of late night refreshment be reviewed and revoked.

**Please provide as much information as possible to support the application (please read guidance note 3)**

Mr Bora used to hold a Street Trading Consent granted by the Council under the Local Government (Miscellaneous Provisions) Act 1982. This allowed him to trade from the road side near the southern end of Premier Way, Romsey. However, when he applied for this to be renewed for the 2017/18 period there was an objection from Mr S Raw, the Council's Engineering and Transport Manager. His grounds for objection were that double yellow lines were going to be painted on the section of Premier Way Mr Bora traded at. Mr Bora appealed against the decision to refuse renewal of his Street Trading Consent. This eventually led to the case coming before the Licensing Committee on 12<sup>th</sup> September 2017.

At the appeal hearing the Licensing Committee resolved to permit Mr Bora to have Street Trading Consent for a short further period only, expiring on 31<sup>st</sup> October 2017. This was to allow him trading time at the pitch up to the point when it was anticipated that the double yellow lines would be painted on the road.

Despite the Licensing Committee's decision, Mr Bora has remained at the pitch ever since without Street Trading Consent. Further, this is despite the double yellow lines having been painted. His response to the double yellow lines has been to drive his vehicle each trading day over the kerb, across the pavement, and on to the adjacent verge. He continues to trade from a pitch on the verge close enough to the highway requiring him to have Street Trading Consent. However, no consent has been given because of the original objections from the Engineering and Transport Manager. Although Mr Bora does not park on the double yellow lines directly, his customers have been witnessed doing so. For example, on 26<sup>th</sup> April 2018 by Mr Dean Bennett, Environmental Protection Officer.

Although Mr Bora does not have Street Trading Consent from the Council he does still trade from the site. He holds a Premises Licence from the Council under the Licensing Act 2003 allowing the provision of late night refreshment from 23:00 – 02:00 hours Sunday to Thursday and from 23:00-03:00 hours Friday and Saturday.

He is trading illegally by remaining at the site without Street Trading Consent. His presence also presents the same risks to public safety that the Council's Engineering and Transport Manager originally envisaged, and which led to the Licensing Committee's resolution on 12<sup>th</sup> September 2017 permitting him to only remain at the pitch on Premier Way, Romsey until 31<sup>st</sup> October 2017.

**tick ✓ yes**

Have you made an application for review relating to the premises before

**Please**

If yes please state the date of that application

Day Month Year

+	+	+	+	+	+	+	+
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**If you have made representations before relating to the premises please state what they were and when you made them**

tick ✓ yes

Please

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 27<sup>th</sup> February 2019

.....

Capacity **Principal Environmental Health Officer**

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<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b> Mr Christopher Lewis – Principal Environmental Health Officer Test Valley Borough Council Beech Hurst Housing & Environmental Health Service Weyhill Road	
<b>Post town</b> Andover	<b>Post Code</b> SP10 3AJ
<b>Telephone number (if any) 01264 368 465</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) <a href="mailto:christopherlewis@testvalley.gov.uk">christopherlewis@testvalley.gov.uk</a></b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.