

**North Hertfordshire District Council  
Licensing Act 2003  
Decision Notice**

Date of Hearing	Thursday 15 <sup>th</sup> December 2005
Members of Panel	P. Clark, J. Cunningham and J. Kirby
Applicant(s) Name	Mr Ibrahim Gurbuz
Premises Address	The Bodrum Takeaway, 22 Bucklersbury, Hitchin, Herts. SG5 1BG
Date of Application	Monday 24 <sup>th</sup> October 2005
<b>APPLICATION FOR VARIATION</b>	<p>This is an application for a Premises Licence under Section 17 of the Licensing Act 2003.</p> <p>The Sub-Committee have read the material presented to us and have listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>The application is <b>approved</b> subject to the conditions and hours as are set out below.</p> <p><b>1. <u>OPENING HOURS</u></b></p> <p>The permitted opening hours are:</p> <p>Sunday to Wednesday      1630hrs – 2400hrs  Thursday                      1630hrs – 0100hrs the following morning  Friday and Saturday        1630hrs – 0200hrs the following morning</p> <p><b>2. <u>LICENSABLE ACTIVITIES</u></b></p> <p>The licensable activity applied for is:</p> <p>•<input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> <b>PART L – Late Night Refreshment</b></p> <p>The hours during which this licensable activity may take place are:</p> <p>Monday and Tuesday      11:00pm – 2400hrs  Wednesday                  11:00pm – 2400hrs  Thursday                      11:00pm – 0100hrs the following morning  Friday and Saturday        11:00pm – 0200hrs the following morning  Sunday                         11:00pm – 2400hrs</p> <p><i>In the course of the hearing the applicant has withdrawn the hours as set out in their written application and has instead applied to operate under their pre-existing hours. Hertfordshire Constabulary has withdrawn their representation as a result of that retraction.</i></p>

<p><b>CONDITIONS PROPOSED BY APPLICANT</b></p>	<p>This licence will be subject to the conditions that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in part N of their application.</p> <p>Plus:</p> <ol style="list-style-type: none"> <li>1. <i>There shall be placed at the exit from the premises in a place where it can be seen and easily read by the public a notice requiring customers to leave the premises and the area quietly.</i></li> <li>2. <i>There shall be provided at the premises a container for the disposal of waste food, food containers, wrapping etc. Arrangements will be put in place for the regular disposal of its contents.</i></li> </ol>
<p><b>EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT</b></p>	<p>The effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.</p>
<p><b>STATEMENT OF LICENSING POLICY</b></p>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching their decision. They have found the following sections to be of particular relevance in reaching this decision.</p> <p><b>5. Licence Conditions</b></p> <p>5.1 <i>The Council will tailor any conditions to the individual circumstances of the premises and events concerned and will seek to avoid attaching disproportionate and over burdensome conditions on licences.</i></p> <p>5.2 <i>Conditions will only be imposed when they are necessary for the promotion of the Licensing Objectives and will focus upon matters within the control of the individual licensee such as the premises, places or events being used for licensable activities. Conditions are likely to be focused towards the direct impact of those activities on persons living, working or otherwise engaged in activities in the vicinity.</i></p> <p><b>9. The Prevention of Public Nuisance</b></p> <p>9.1 <i>Licensed premises may have significant potential to impact adversely on communities through public nuisances that arise from their operation. The Council interprets 'Public Nuisance' in its widest sense and takes it to include such things as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in activities in the vicinity of a particular premises.</i></p>

<b>COMMENCEMENT DATE</b>	This licence will come into effect from the date stated on this decision notice. The sub-committee allows the premises two months from the date of this decision to comply with the conditions.
<b>RIGHTS OF REVIEW</b>	At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.