

Licensing Committee Agenda

HEARING TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE

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

21 August 2019 at 10am

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

**MEMBERS OF COMMITTEE INVITED TO ATTEND
HEARING**

Councillor L.A. Mascot (Chair)

and Councillors

D.J.R. Clark, D.G. Jones and I.C. Roberts

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.

This agenda is available in alternative formats, including Braille, large print, audio tape and other languages. Please call 01245 606923. Minicom textphone number: 01245 606444.

Recording of the part of this meeting open to the public is allowed. To find out more please use the contact details above.

LICENSING COMMITTEE

HEARING TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE

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

A report regarding this application is attached.

LICENSING COMMITTEE

21st August 2019

AGENDA ITEM 3

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 a representation 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.

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 a representation 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 premises 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.
- 2.3 As a department we are 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.

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

Tuesday 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

- 2.5 Mr Bashi first applied on the 31st January 2019 but due to representations received and a decision from the Licensing Committee on the 26th March 2019, the application was refused.

3. Application

- 3.1 The applicant submitted a new premises Licence application to cover the sales of hot food and drink from 23:00 onwards. The new application was received on the 30th May 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 On the 24th June 2019 it was established that the application had not been correctly advertised which resulted in the consultation period being restarted from scratch. The closing date for representations was then changed to the 28th July 2019.
- 3.3 After the restart, 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**
- 3.4 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
- 3.5 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 A response to the consultation on this application has been received from Essex Police on the grounds of The Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. A copy of the representation received is attached to this report as **Appendix B**.

4.3 A plan indicating the location of the premises is attached as **Appendix C**.

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

Plans indicating the location of the premises

Background Papers

Licensing Act 2003
Chelmsford City Council's Statement of Licensing Policy

APPENDIX A



Chelmsford Application for a premises licence Licensing Act 2003

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

* required information

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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

Note: completing the Applicant Business section is optional in this form.

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

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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 (£)

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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

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

Family name

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?

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.

Yes No

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 (or similar to) those given in section one?

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.

Yes No

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

to demonstrate entitlement to

Right to work share code

share code if not submitting documents

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
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 authentic Turkish food, we would like the premises license so that we can serve the public on evenings as well as days. We will be offering fresh wholesome foods to people on their way out or on their way home. We also think it will benefit customers leaving the bars and pubs situated near us by eating on their way home as it will sober them up. We will not be serving alcoholic refreshments at our premises and will have 2 SIA qualified door staff to make sure any trouble is prevented. We will also install a CCTV system within our premises to keep track of every going on which will be visible to the customers. This will enable a safe and friendly environment for everyone to enjoy the end of their night.

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

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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Continued from previous page...

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

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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

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

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.

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 drink refreshments.

State any seasonal variations

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

None

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.

Will be closed normal times Christmas Eve.

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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'.

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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

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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

End

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.

None

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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.

First aid kit on site.
Telephone on site for Emergency services if required.
SIA Qualified door staff
CCTV Systems installed
Risk Assessment completed
Bins provided for litter
Health and Safety certificates for myself and anyone employed displayed within the trailer.

b) The prevention of crime and disorder

Being in the late night refreshment business we are well aware of our duties to keep our customers and ourselves safe from crime and disorder at all times. There we will employ up to 2 SIA qualified door staff on days where we are open late. They will have all the necessary tools and requirements to make sure any crime and disorder is prevented. Possibly could put out cones/bollards to make sure people do not congregate in that area. We will also install our own CCTV systems to ensure everything is recorded and kept up to 30 days at a time. The CCTV system will be visible to customers so they will know they are being recorded and will behave accordingly.

c) Public safety

First aid kit
Fire precaution Equipment
CCTV
Risk Assessment
SIA Qualified door staff

Continued from previous page...

d) The prevention of public nuisance

This is a catering trailer so customers will get their food and be on their way. We are close to a taxi rank as well as bus stops so people will get their food and look for transport home. As mentioned in points a & b we will have SIA qualified door staff who will ensure public nuisance is prevented. CCTV systems will ensure customers are watched so they will behave accordingly. We will put up signs to ensure customers leave the area as soon as they get their food so they do not congregate and create nuisance. We're a fast food stall so we will not be taking a long time to prepare food. Once they're prepared customers can leave the area and this will prevent nuisance.

e) The protection of children from harm

We would not tolerate foul acts on site by customers and they will be politely asked to leave the area respectfully. We also wouldn't expect children to be around our premises at early hours of the night (after midnight)

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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.

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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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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 (£)

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

* Date / /
dd mm yyyy

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.

Continued from previous page...

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Doner Zamani"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

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: 06/06/2019

Dear Mr Evans

Doner ZAMANI – Premises Licence Application

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

Essex Police have previously considered an application made in respect of the above Premises covering Late Night Refreshments, in February 2018. In this matter Essex Police made formal representation, which was later heard by the licensing sub-committee and was refused. The only issues that have been amended in this new application are that CCTV and the provision of door staff is now being offered within the operating schedule.

Whilst Essex Police are broadly supportive in encouraging new business in Chelmsford City our position in respect of this application remains unchanged. The crime data and calls for service affecting this part of the City remain unaltered and therefore we have grave concern that trouble makers and those intoxicated will be encouraged to remain in the area longer than is desirable. Essex Police therefore give formal notice of their objection and in their opinion, if this premises licence was granted, the licensing objective of preventing crime and disorder would be undermined.

Of the further conditions offered, the area outside the location known as Doner Zamani, is an unrestricted and public right of way. Under data protection legislation, only head and shoulders views when customers are at the counter could be captured and that to gather data of persons within the public space who are unconnected with the business would be unlawful and subject of a GDPR policy as it is the intention of the applicant to retain data for 31 days. This matter was raised at the previous hearing in that may not be the customers who cause disorder but people who hang around in the area, or those who meet up again later of an evening.

The second matter raised in the application is the provision of door staff. Door staff lawfully operate on [alcohol] licensed premises as the building is usually private property. Security services are provided along with third party liability insurance, where the curtilage of that

property is defined. Consequently they have no authority outside of that area. As a public place, door staff (security) would be quite ineffective in that they have limited powers of detention and would have no powers in respect of ejection, searching and policy compliance etc. In that respect, Essex Police feel that it is unlikely that any third party insurance would be available.

Should the application not be withdrawn Essex Police reserve the right to amplify on their submission and produce supplementary evidence necessary to support our objection, which will be served on each relevant party ahead of a hearing.

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 on 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 this application would only extend this period and cause such behaviour to continue. The objective should be a slow dispersal from the area and an encouragement to leave the city centre as soon as possible, and allow local authorities and services the time to reset the City ready for the following day.

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 who have the correct public insurance, a lawful CCTV system and supported by various 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.

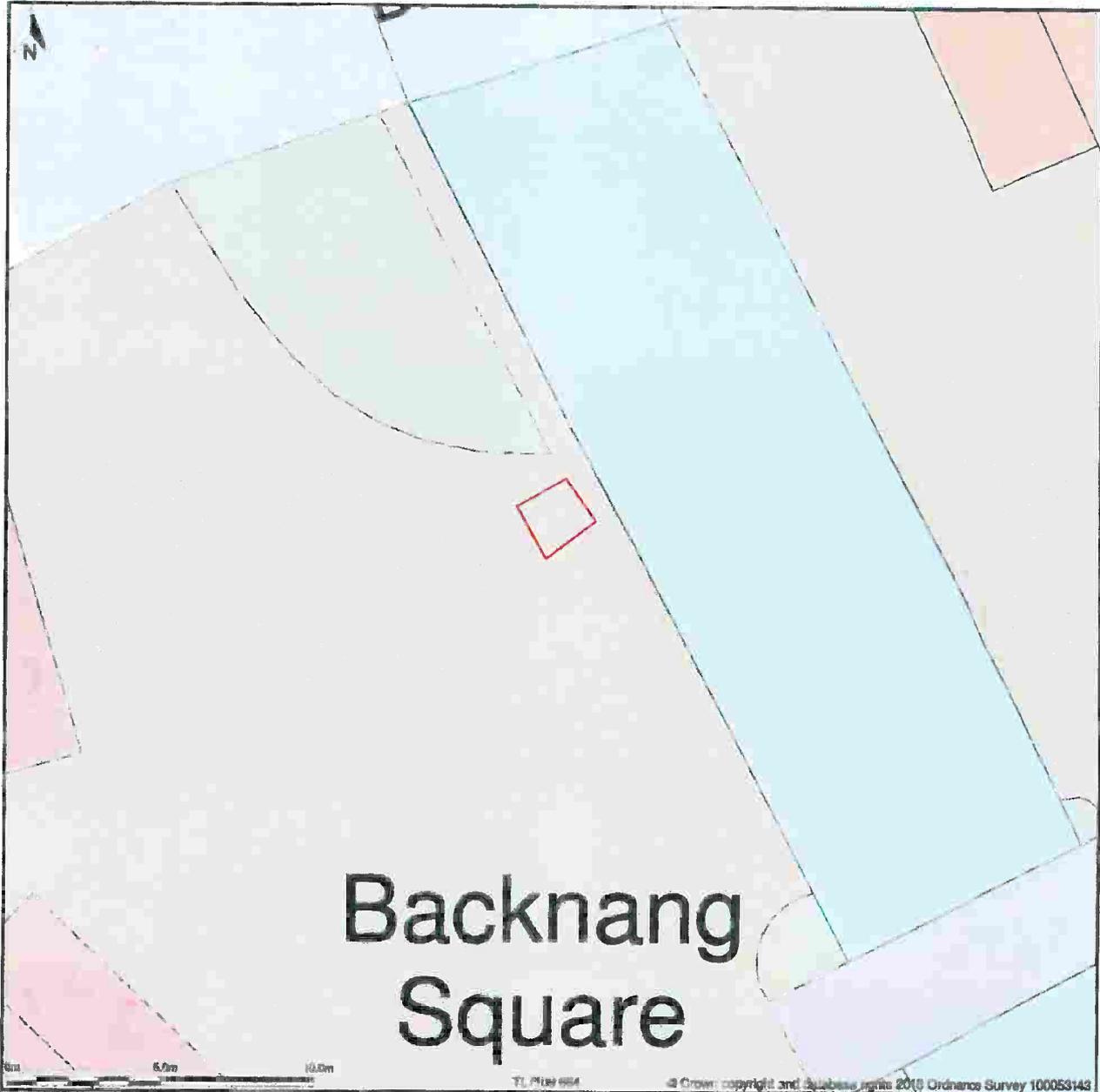
Essex Police therefore have a duty to ensure that applications of this nature do not adversely impact on the community in respect of crime and disorder, public safety and nuisance and therefore feel that given the data around these issues have no alternative other than raise their concerns and objections.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Nigel Dermott', written in a cursive style.

Nigel Dermott
Police Licensing Officer
Chelmsford and Maldon

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

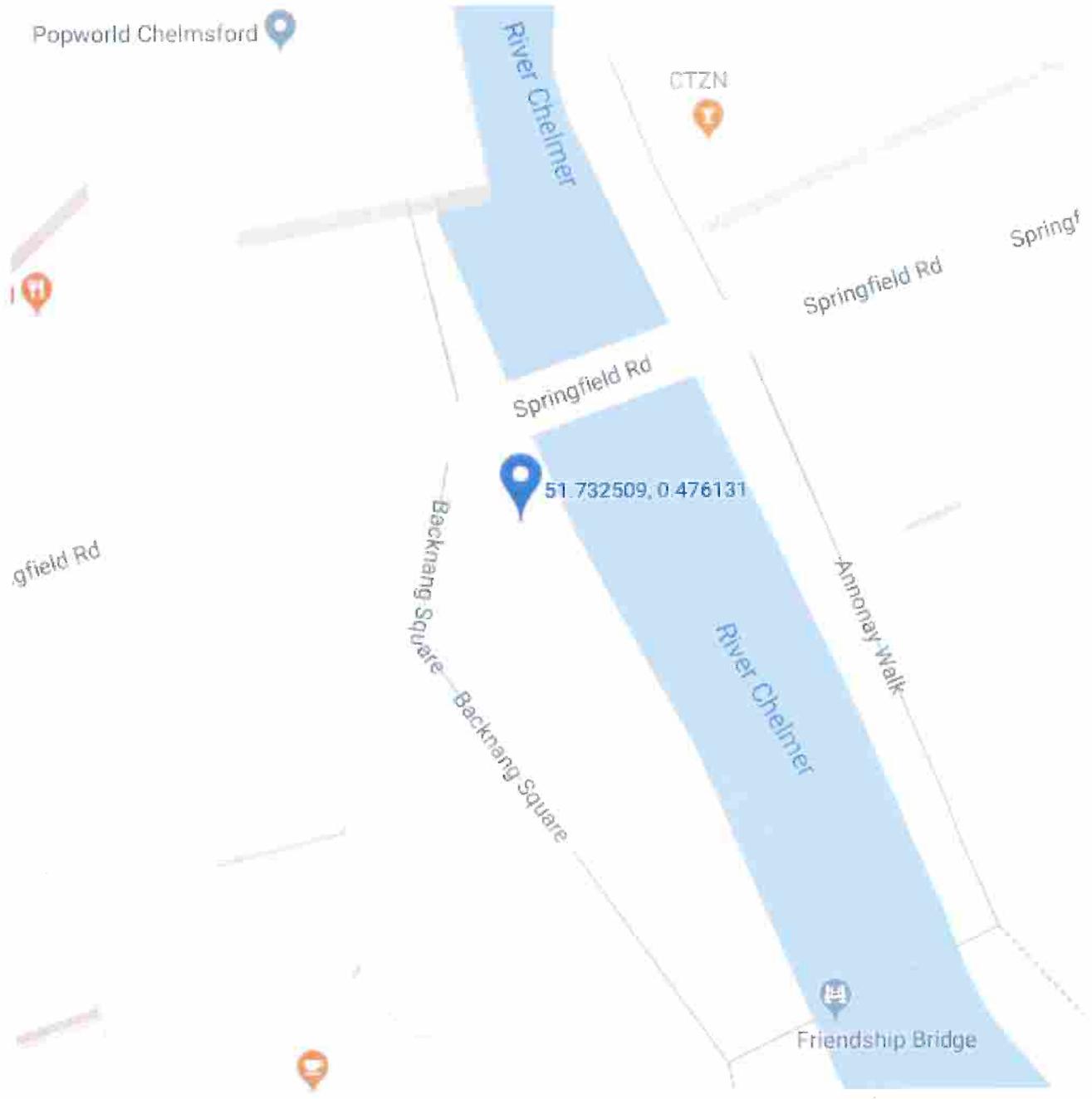


Block Plan shows area bounded by: 571076.09, 266627.62 571112.09, 206663.62 (at a scale of 1:200), OSGridRef: TL7109 664. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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APPENDIX C



APPENDIX C

