

**APPLICATION FOR GRANT OF A PREMISES LICENCE –  
MOBILE FOOD VAN, (off A326) TOTTON WESTERN BYPASS**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to consider an application for the grant of a premises licence under section 17 of the Licensing Act 2003.

**2. APPLICATION**

- # 2.1 Mr T Tayar has made an application for the grant of a premises licence for a Mobile Food Van. The application is attached as **Appendix 1**.

**3. REPRESENTATIONS**

- 3.1 Representations have been received from the following Responsible Authorities (2) and Other Person's (2) as listed below:

- NFDC Environmental Health (Pollution);
- NPA Planning/Development Control;
- Netley Marsh Parish Council;
- Mr C Rice

- # 3.2 Copies of all the representations are attached as **Appendix 2**.

**4. REQUIREMENTS FOR A HEARING**

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These being:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

- 4.2 In determining the application the Licensing Sub-Committee must give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives;
- The relevant representations presented by all the parties;
- The Home Office guidance;
- The Council's own Statement of Licensing Policy.

- # 4.3 The following relevant section (paragraphs 9.38 – 9.41) of the current Home Office guidance issued under section 182 of the Licensing Act

2003 relating to the determination of applications, is attached as **Appendix 3.**

## **5. CONCLUSION**

5.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which of the following measures are appropriate for the promotion of the licensing objectives:

- Grant the licence – with the conditions consistent with the operating schedule and all applicable mandatory conditions of the Licensing Act 2003;
- Grant the licence – but modify the conditions proposed in the operating schedule, restrict certain licensable activities or operating hours;
- Reject the application.

## **6. RECOMMENDATION**

6.1 That the Licensing Sub-Committee determines the application.

### **Further Information:**

Paul Weston  
Licensing Services  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)

### **Background papers:**

Appendix 1 (Section 17 Application)  
Appendix 2 (Relevant Representations)  
Appendix 3 (Home Office Guidance)



Application for a premises licence to be granted 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/we MR TAHSIN TAYAR  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<del>RINGSWOOD ROAD</del> TOTTON WESTERN <del>WOODLANDS</del> BY PASS SOUTH HAMPTON      TOTTON			
Post town	<u>O/S Grid Ref: 335 139</u>	Post code	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<u>£ VVA FEE = £100</u>

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as  
Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

LICENSING SERVICES  
25 OCT 2012  
RECEIVED

[Type text]

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - o statutory function or
  - o a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>TAYAR</b>			First names <b>TAHSIN</b>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<b>16, CUCKOO HALL LANE EDMONTON</b>			
Post Town		<b>LONDON</b>		Postcode	<b>N9 8DJ</b>
Daytime contact telephone number					
E-mail address (optional)					

2

4

[Type text]

**SECOND INDIVIDUAL APPLICANT** (if applicable) 15/17

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS** 15/17

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

8

5

[Type text]

### Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year  
1 0 1 0 2 0 1 2

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year  
[ ][ ][ ][ ][ ][ ][ ][ ]

Please give a general description of the premises (please read guidance note 1)

It is a kebab van and will be trading and providing hot food as well as tea and coffee.

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

10/19

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

#### Provision of regulated entertainment

10/19

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

4

[Type text]

p/17

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**

[Type text]

L

*Handwritten signature*

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
			Both	<input type="checkbox"/>	
Mon	23:00	03:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					



[Type text]

**M**

15/12

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for <u>consumption (Please tick box)</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

[Type text]

no/nd

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	16:00		
		03:00	
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 5)

[Type text]

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

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

I would PUT UP CLEAR SIGNS SAYING NO DISORDER would be excepted and there are CAMERAS placed

**c) Public safety**

ENSURE EVERY ACCESS IS EASY TO USE and every thing is clean as well as clear.

**d) The prevention of public nuisance**

would have some one patrolling the sight

**e) The protection of children from harm**

[Type text]

I have not been able to tick any of the pg because none is applicable to me. I am applying for kebab van licence to serve hot food. and the hours will be; 16.00pm until 3.00am seven days per week.

Please tick yes

- I have made or enclosed payment of the fee  £100
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

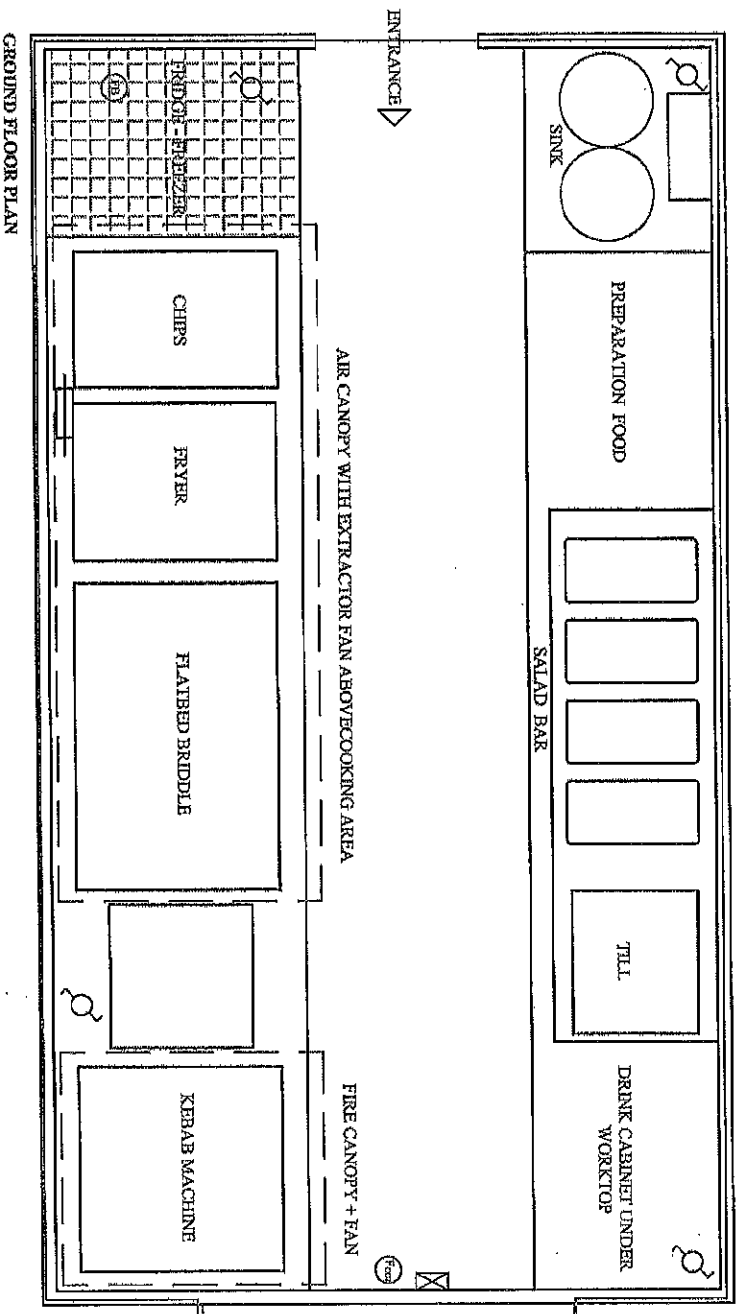
Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	02-10-2012
Capacity	

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

"THE BEST KEBAB" TRAILER



GROUND FLOOR PLAN

GAS BOTTLE STORAGE

**LEGEND**

- FUSES
- SWITCHES
- FIRE BLANKETS
- CARBON DIOXIDE FIRE EXTINGUISHER
- CCTV
- FRIDGES OR FREEZER
- AMBIT OF LICENSED PARAMETRS

**AMENDMENTS**

A	
B	
C	

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"THE BEST KEBAB" TRAILER  
PROPOSED

- GROUND FLOOR

SCALE 1:20 @A4 Date: 29 OCTOBER 12

RefNo: CPH\_E-1

ACT 2003  
55 STOKES NEWINGTON HIGH STREET  
N16 8EL  
TEL: 020 72413636 FAX: 08716615283  
www.act2003.com

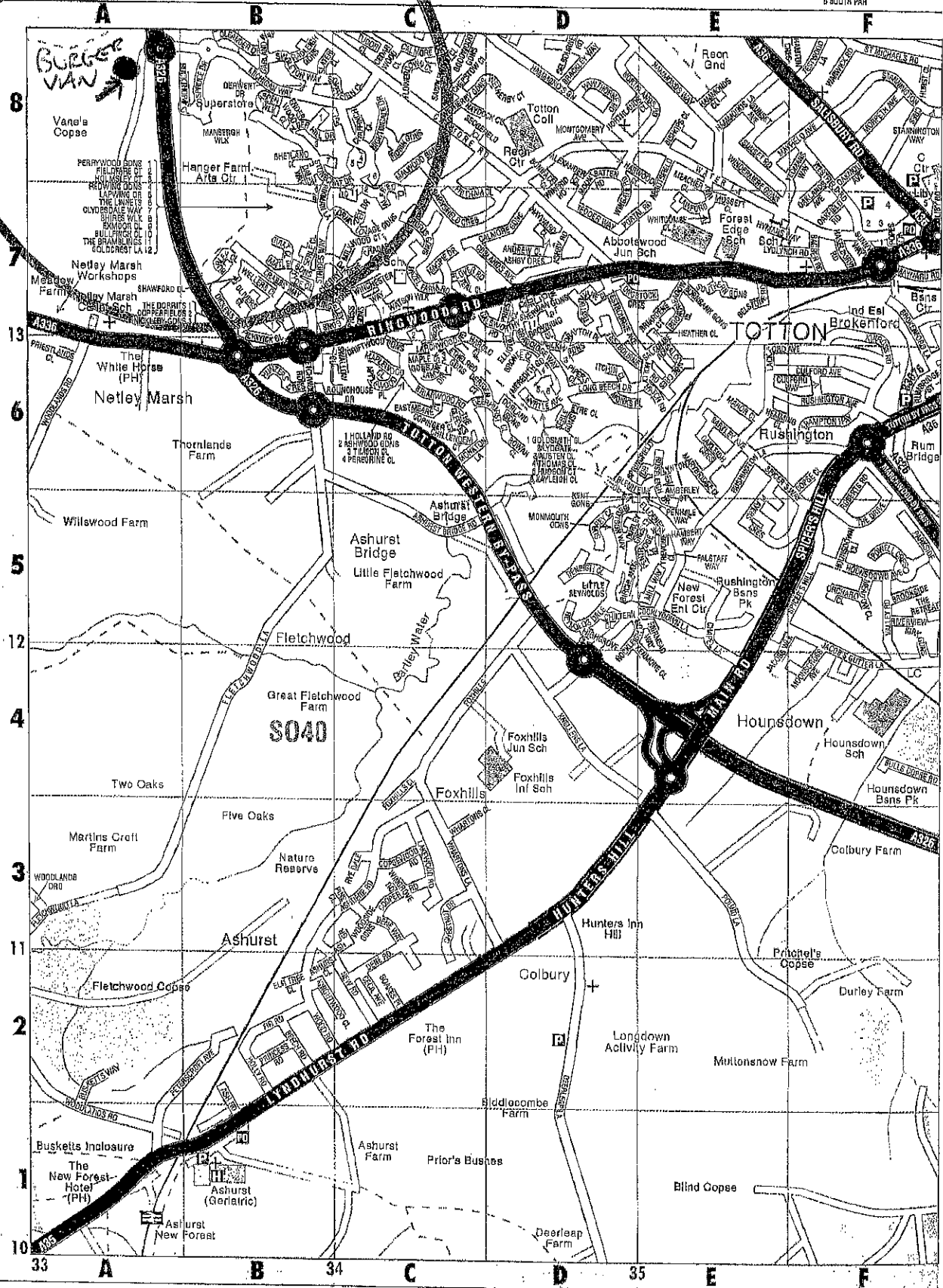
100

335 139

99

76

- 1 BUCKENFORD CT
- 2 RAYTON CT
- 3 SPRINGDALE CT
- 4 SALISBURY ROAD ARC
- 5 SOUTH PAR



99

123

14

\* Objection - Pollution.

1/4

Sarah Wilson

From: Gary Worsley  
 Sent: 06 November 2012 15:52  
 To: Licensing e-mail address; Paul Weston  
 Subject: Licensing Application - Kebab Van at the Roundabout on A326 and Junction with Michigan Way, Totton

**Environmental Health (Pollution) Comments in Relation to the Prevention of Public Nuisance Licensing Objective**

Thank you for consulting Environmental Health (Pollution).

I have the following comments to make:

A complaint was made in June 2011 in connection with noise from a generator, cars, bikes and customer noise using a mobile food van in this location. That complaint was dealt with effectively by the New Forest National Park Planning Authority by the use of a planning enforcement notice.

The noise from traffic using the A326 does die down later in the evening and overnight.

Generator noise could be dealt with by using a quiet generator and a condition requiring the generator to be acoustically treated and hidden behind the van and a condition could also be used to require the applicant to undertake a litter sweep periodically throughout the hours it is trading and at the end of business, but the main source of disturbance from people noise, bike and car use etc. is outside the control of the applicant.

Several residential properties are in close proximity to the application site i.e. 150 metres and to avoid a repetition of potential noise disturbance as mentioned above until 03:00 hours, I am raising an objection to the granting of the late night refreshment provision as I believe that a public nuisance will occur from the use of this food van between 23:00 hours to 03:00 hours.

Please do not hesitate to contact me should you wish to discuss the matter in further detail.

Regards

Gary Worsley  
 Senior Environmental Health Officer  
 Environmental Protection | Public Health and Community Safety

Tel: 023 8028 5588 | Internal Ext: 4444  
 Fax: 023 8028 5544 | HPSN: 8 777 5588  
[gary.worsley@nfdc.gov.uk](mailto:gary.worsley@nfdc.gov.uk) | [www.newforest.gov.uk](http://www.newforest.gov.uk)

Think before you print!

N.F. NPA - Objection

2/4

**Sarah Wilson**

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**From:** Paul Hocking [Paul.Hocking@newforestnpa.gov.uk]  
**Sent:** 01 November 2012 15:08  
**To:** Paul Weston  
**Cc:** Sarah Wilson; Rob Aldred; Clare Ings  
**Subject:** RE: Kebab Van Grid Reference: 335139, Ringwood Road, Woodlands

Dear Paul

I can confirm, based on the plan you have provided, that the site is both within the National Park and on land the subject of the Enforcement Notice. My colleague Clare Ings may well also email you over the coming days to provide further amplification as to why planning permission was refused.

The Authority's position in this matter is that to issue a Licence, given the circumstances of this case, would clearly undermine the crime and disorder licensing objective and therefore please accept our emails in this matter as objections.

Regards

Paul

Paul Hocking  
Interim Enforcement Manager  
PPO - Aiming for Excellence  
Direct Line: 01590 646618

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**From:** Paul Weston [mailto:Paul.Weston@NFDC.gov.uk]  
**Sent:** 01 November 2012 10:56  
**To:** Paul Hocking  
**Cc:** Sarah Wilson  
**Subject:** RE: Kebab Van Grid Reference: 335139, Ringwood Road, Woodlands

Dear Mr Hocking

I thank you for your communication which could be accepted as a relevant representation on the grounds of the crime and disorder licensing objective, however I am not sure if the proposed site is actually in the NPA.

I attach the location and o/s grid reference of 335139.

Please could you confirm if said is within your authority accordingly.

Regards

Paul Weston  
Licensing Services  
New Forest District Council  
Tel: 023 8028 5505

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**From:** Sarah Wilson  
**Sent:** 01 November 2012 10:21  
**To:** 'Paul Hocking'  
**Cc:** Paul Weston  
**Subject:** RE: Kebab Van Grid Reference: 335139, Ringwood Road, Woodlands  
**Importance:** High



Hello Paul,

Thank you for your comments as a Responsible Authority under the Licensing Act 2003.

I have forwarded them to our Licensing Officer so he is aware of your concerns and can comment/action accordingly.

Kind regards,

Sarah Wilson  
Licensing Assistant  
Licensing Services  
Tel: 023 8028 5505 HPSN: 8777 5505  
Fax: 023 8028 5544  
Email: [sarah.wilson@nfdc.gov.uk](mailto:sarah.wilson@nfdc.gov.uk)  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

**From:** Paul Hocking [<mailto:Paul.Hocking@newforestnpa.gov.uk>]

**Sent:** 01 November 2012 10:18

**To:** Sarah Wilson

**Cc:** Rob Aldred; Clare Ings; Gary Worsley

**Subject:** RE: Kebab Van Grid Reference: 335139, Ringwood Road, Woodlands

Dear Sarah

I have been forwarded your emails concerning this matter.

This site is the subject of an extant Enforcement Notice. Should a takeaway van etc return this would be an immediate criminal offence. The team here has also spent considerable time and money in securing the removal of the van previously. On that combined basis it would be extremely disappointing if a Licence were to be issued by NFDC however if it is felt you have no option (and I would be interested to understand why this might be in advance) I request you place an informative note on your decision notice advising that should the van be brought onto the land without first securing the benefit of planning permission it would be a criminal offence and thus they should contact the NPA first.

Regards

Paul

Paul Hocking  
Interim Enforcement Manager  
PPO - Aiming for Excellence  
Direct Line: 01590 646618

\* Objection from National Park. 2/4 (cont.)

Sarah Wilson

**From:** Clare Ings [clare.ings@newforestnpa.gov.uk]  
**Sent:** 02 November 2012 16:50  
**To:** Sarah Wilson  
**Subject:** Acolaid Case 11/96738  
**Attachments:** DocCommRpt.pdf

Dear Sarah

We have been consulted on the above license for a kebab van along the Totton Western Bypass, and I understand that Paul Hocking has been in correspondence with you to advise that, should a kebab van be parked at the site, it would immediately become the subject of enforcement action.

The history of the site is that a mobile takeaway has been applied for in the past, refused, an appeal dismissed, and then a subsequent application also refused. I have attached a copy of the officer's report relating to that most recent application, and you will note the strong objections not only from the National Park, but also the Highways Authority.

The National Park would therefore wish to record an objection to the stationing of the van.

I trust that this information will be of assistance to you.

Clare Ings

Senior Planning Officer

**New Forest National Park Authority**  
Lymington Town Hall  
Avenue Road  
Lymington  
SO41 9ZG

The New Forest National Park Authority's Purposes

Switchboard: 01590 646800  
Fax: 01590 646666  
Web: [www.newforestnpa.gov.uk](http://www.newforestnpa.gov.uk)  
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[Email Disclaimer](#)

**Application No: 11/96738/FULL Full Application**

**Site:** Land Off A326, Totton Western Bypass, Upper Hanger Farm,  
Totton, Southampton, SO40 8AF

**Proposal:** Retention of mobile hot food takeaway; storage of mobile hot food  
takeaway

**Applicant:** Mr M Yerlikaya

**Case Officer:** Clare Ings

**Parish:** NETLEY MARSH

1. **DISTRICT/BOROUGH:** New Forest District Council

2. **REASON FOR COMMITTEE CONSIDERATION**

Not Applicable

3. **DEVELOPMENT PLAN DESIGNATION**

No specific designation

4. **PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
DP8 Retail Development outside the Defined Villages

5. **MEMBER COMMENTS**

None received

6. **PARISH COUNCIL COMMENTS**

Netley Marsh Parish Council: Recommend refusal, but would accept the decision of the National Park Authority. PC has concerns - previously refused and enforcement instigated. Current proposal is very close to that siting and concerned over vehicles parking on roundabout.

7. **CONSULTEES**

7.1 Highway Authority (HCC): Recommend refusal. Obstruction would cause undue interference with safety and convenience of users of the adjoining highway; inadequate parking and turning.

7.2 NFDC Engineering & Land Drainage. No comment.

7.3 Environmental Protection NFDC. Have been contacted regarding noise from the generator, and operators has been asked to provide a quieter generator or enclose the existing. No objection,

subject to a condition seeking to control the noise.

**8. REPRESENTATIONS**

- 8.1 One letter of support for the application on the grounds that the mobile food acts as a form of security for farm machinery on adjoining farm.
- 8.2 Statement from the agent in support of the application for the following reasons:
- National Planning Policy framework seeks to encourage sustainable economic development
  - new siting is preferable to the previous siting as it is less visible from the roundabout and surrounding areas with reduced impact
  - more space for vehicles to turn off from roundabout addressing the highway safety concerns
  - catering facility makes a valuable contribution to the local economy
  - application is accompanied by a petition in support with in excess of 250 signatories

**9. RELEVANT HISTORY:**

Retention of a mobile hot food takeaway (92117) was refused on 9 November. Subsequent appeal was dismissed on 19 August 2008.

Of relevance:

Continued use of site and buildings for waste collection business (92119) was granted permission on 7 February 2008.

**10. ASSESSMENT**

- 10.1 The site lies immediately off the western arm of the roundabout on the A326 Totton Western bypass close to the Morrison's superstore. This arm leads to Upper Hanger Farm which is used for a waste management business together with the agricultural activity; thus the road is in constant use. The site is elevated above the adjoining land which is mainly in agriculture.
- 10.2 The proposal, which follows the previous refusal and dismissed appeal, is to allow the continued siting of a mobile hot food takeaway. The site is different from that of the previous application in that it lies off the public highway and within the entrance to Upper Hanger Farm. The trading generally takes place from the early evening to late at night - the hours suggested are 5pm to 1pm (or 3am on Saturdays) and therefore the unit was not apparent at the time of the site visit.
- 10.3 The main planning considerations are the implications for policy, the impact on the landscape and the issues of highway safety.
- 10.4 The proposal would represent the development of a food and

drink establishment outside the defined villages, and which is generally not permitted. It would be sited in a sensitive location on the very edge of the National Park and its presence is considered would have a detrimental visual impact in the area which would be exacerbated by the level of parking likely to be generated by the activity. The Inspector noted at the appeal that although "...the takeaway van would only be on site for a few daylight hours each day for part of the year...it would be lit up at night and would also be clearly visible from the roundabout during long summer evenings...." and therefore concluded that "...the proposal would harm the character and appearance of this part of the New Forest National Park, contrary to policy....".

10.5 Notwithstanding the change of position of the mobile hot food takeaway, the Highways advice is still quite categorical. It is considered that it would compromise the free flow of the traffic causing danger to other road users of the adjoining highway, not only through obstructing an existing access, but also leading to parking and manoeuvring on the highway because of the lack of provision within the site. The Inspector accepted these concerns and also noted that "...the strength of support for the retention of the takeaway is very strong and indicates how popular it is. This also suggests that the County Highway Authority's concerns about the lack of on-site parking and turning are well-founded and likely to result in traffic backing up onto the roundabout....".

10.6 Therefore, despite the change in location, the application is still recommended for refusal.

## 11. RECOMMENDATION

Refuse

### Reason(s)

1. The development encourages the parking of vehicles on the public highway as there is inadequate provision on the site for parking in a satisfactory manner. In addition, the site does not incorporate adequate facilities to enable a vehicle to turn and enter the public highway in a forward gear. The parking and manoeuvring obstructs the existing access causing undue interference with the safety and convenience of the users of the adjoining highway. The development is therefore contrary to policy DP1 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
2. The development results in the creation of a food and drink premises outside the defined New Forest villages in the open countryside which has a detrimental visual impact on the New Forest landscape due to its presence and the increased parking in the area. The development is therefore contrary to policies DP1 and DP8 of the adopted New Forest National Park Core Strategy

and Development Management Policies (DPD) (December 2010).

\* Objection \*

3/4

Sarah Wilson

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**From:** Ros Cooper [netleymarshpc@parish.hants.gov.uk]  
**Sent:** 22 November 2012 18:22  
**To:** Licensing e-mail address  
**Subject:** FAO Paul Weston - Kebab Van Grid Ref 335139 Ringwood Road, Woodlands LICPR/12/07752

Dear Mr Weston

Thank you for your letter of 30 October regarding a license for the siting of a kebab van in Woodlands.

There is some confusion about this as the grid reference appears to refer to a site near the Morrisons roundabout on the A326 not Ringwood Road. It is also understood that there is an application in for a similar van at the layby on Ringwood Road by the Bartley Crossroads. Councillors would appreciate clarification of which site we are talking about in this application.

Whichever site is relevant Netley Marsh Parish Council is of the view that the proposal should be refused on both public nuisance grounds and prevention of crime grounds. If the site is near the Morrisons roundabout, then previous experience of mobile catering at this site would suggest that public safety may also be an issue.

We very much hope to hear that the application has been refused and we look forward to your reply.

Regards

Ros Cooper  
Clerk to Netley Marsh Parish Council  
Kilderkin  
Lea Road  
Blackfield  
Southampton  
SO45 1YW  
website: <http://www.netleymarsh-pc.gov.uk>

# Objection #

4/4

**Paul Weston**

**Subject:** FW: Application for burger van on Morrisons roundabout Totton

Objection

Public Nuisance

---

**From:** \_\_\_\_\_  
**Sent:** 31 October 2012 14:40  
**To:** Licensing e-mail address  
**Cc:** Gary Worsley  
**Subject:** Application for burger van on Morrisons roundabout Totton

To whom it may concern,

I live at 30 Georgina Close and wish to make a formal complaint and objection regarding the previous and forthcoming kebab and burger bar which was and is going to be on the Morrisons roundabout (A326). Our property is next to the A326 and our bedroom window runs parallel with the A326 and the kebab van was/would be a short stone throw away from our property.

After 9pm the traffic dies down and the roads become quiet every night and this lasts until 6am when the roads start to get busy again. My wife and I have to be up early for work Monday to Friday and we sleep with our bedroom window open. The noise which used to come from the kebab bar was horrific most nights which kept my wife and I awake during the opening times of this bar.

Firstly the noise from the generator was unbearable with the constant use of it until 3am.

Secondly when all the pubs close my wife and I had to listen to the screaming and shouting of drunk customers going to and from the kebab bar. We live that close we can hear the conversations and the foul language, we can also hear them vomiting in the road.

I would also like to point out the kebab bar was used as a meeting point for young lads in their cars. All we used to hear was the revving of engines, loud music and screeching tyres right into the early hours of the morning. This would happen regularly on Thursdays, Fridays and Saturdays which my wife and I found unbearable.

So can you please look into this matter before granting them a license to trade.

Yours Sincerely

Mr C Rice  
30 Georgina Close  
Totton  
SO40 2BE

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**HOME OFFICE**

**AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003**

**October 2012**

**DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES**

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

**CONSIDERING CASES WHERE LICENSING AND PLANNING APPLICATIONS ARE MADE SIMULTANEOUSLY**

- 9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.