



**Licensing and Gambling Acts Sub-Committee  
14th June 2023**

**LICENSING ACT 2003**

**APPLICATION TO VARY A PREMISES LICENCE**

**Wymondham Kebab, Pizza and Fried Chicken, 11 Market Street, Wymondham,  
Norfolk, NR18 0AJ**

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**Portfolio:** Clean and Safe Environment

**Ward(s) Affected:** Central Wymondham

**Purpose of the Report:**

This report details an application to vary a premises licence.

**Recommendations:**

The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application.
- Modify the conditions of the licence, altering or omitting or adding to them.

- Reject the whole or part of the application.

## **1. Summary**

- 1.1 The Committee is requested, in accordance with the delegation of licensing functions contained in the South Norfolk Council Statement of Licensing Policy, to consider an application to vary a Premises Licence in respect of Wymondham Kebab, Pizza and Fried Chicken, 11 Market Street, Wymondham, Norfolk, NR18 0AJ.

## **2. Background**

- 2.1 Prior to the application to vary the current premises licence, the premises operated under a premises licence for the provision of late-night refreshment PLN0086. A copy of the current premises licence is attached at Appendix One.
- 2.2 An application has subsequently been received from ESI Licensing and Consultancy Limited on behalf of Mr Mahmut Kulhas to vary premises licence PLN0086.
- 2.3 The application describes the nature of the variation as:

“To apply to include the sale of alcohol for consumption off the premises. The licensable activity and hours are to remain as those presently licensed and do not form part of this variation application”

A copy of the application is attached at Appendix Two.
- 2.4 On 5 May 2023 at 19:30 hours, PC Spinks attended Wymondham Kebab, Pizza and Fried Chicken and witnessed alcohol on display and being advertised on the takeaway menu. A copy of PC Spinks email can be found at Appendix Three.
- 2.5 On 10 May 2023 the Licensing and Enforcement Officer emailed ESI Licensing and Consultancy Limited regarding alcohol on display at the premises and alcohol being advertised on the takeaway menu prior to the application being determined. This email is attached is attached at Appendix Four.
- 2.6 On 15 May 2023, the Licensing and Enforcement Officer emailed ESI Licensing and Consultancy Limited to ascertain that the applicant agrees with the request of Michelle Bartram from Police Licensing that additional conditions be added to the licence. A copy of the email is attached at Appendix Five.

## **3. Relevant Representations**

- 3.1 All relevant representations must relate to one or more of the Licensing Objectives:
  - The Prevention of Crime and Disorder

- The Protection of Children from Harm
- The Prevention of Public Nuisance
- Public Safety

3.2 The responses from the Responsible Authorities are as follows:

**Police** – representation received (see Appendix Six)

**Environmental Health** (Community Protection) – no representations received

**Health and Safety** – no representations received

**Fire Officer** – comments received (see Appendix Seven)

**Planning Officer** – no representations received

**Norfolk Local Safeguarding Children Board** – no representations received

**Public Health Norfolk** – no representations received

**Licensing Authority** – no representations received

#### 4. Other persons

3.3 A representation has been received from a local resident. Please see Appendix Eight for details of the representation and further supporting documentation.

3.4 A response to the representation was received from ESI Licensing and Legal Consultancy Limited. A copy of the response is attached at Appendix Nine.

3.5 Further representations and comments have been received from the same local resident. A copy of the further representations and comments are attached at Appendix Ten.

3.6 A table of other licensed premises and the hours of operation in the vicinity of Wymondham Kebab, Pizza and Fried Chicken is attached at Appendix Eleven.

3.7 All representations have been detailed in full. The Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022 edition) recommends (under the heading of “Relevant, Vexatious and Frivolous Representations”) the benefit of the doubt about any aspect of the representation should be given to the person making the representation. Committee will wish to carefully consider the representations and take into account only those matters which are relevant to the subject area of the representation.

## 5. Proposed action

- 3.8 The Committee must determine this application with a view to promoting the Licensing Objectives.
- 3.9 In making its decision, the Committee must have regard to guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022) and the Council's Licensing Policy - [South Norfolk Council Licensing Policy – Broadland and South Norfolk \(southnorfolkandbroadland.gov.uk\)](https://www.southnorfolkandbroadland.gov.uk). The Committee must also have regard to the representations made and the evidence placed before it.

## 6. Issues and risks

- 3.10 **Resource Implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates' Court.
- 3.11 **Legal Implications** – There are no legal implications other than the issues detailed at 6.1 and 6.3.
- 3.12 **Equality Implications** – There are human rights implications associated with this matter. The interests of the applicant must be balanced against the interests and protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision-making process must be transparent and all parties must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance should lie.
- 3.13 **Environmental Impact** – In making their determination Committee is requested to ensure that the principles of the prevention of public nuisance licensing objective are upheld.
- 3.14 **Crime and Disorder** – In making their determination Committee is requested to ensure that the principles of the prevention of crime and disorder licensing objective are upheld.
- 3.15 **Risks** – In making its determination, failure to take into consideration the relevant legislation, guidance and the Council's Licensing Policy may leave the Committee's decision open to challenge.

## 7. Recommendations

- 7.1 The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application.
  - Modify the conditions of the licence, altering or omitting or adding to them.
  - Reject the whole or part of the application.

## **Appendices:**

1. Copy of current premises licence
2. Copy of application form
3. Copy of PC Spinks email
4. Copy of email from Licensing and Enforcement Officer to ESI Licensing and Legal Consultancy Limited
5. Copy of email to ESI Licensing and Legal Consultancy Limited
6. Representation from Police
7. Comments from Fire Officer
8. Letter of representation from local resident
9. Response to representation from ESI Licensing and Legal Consultancy Limited
10. Further representations and comments received from local resident
11. Table of licensed premises in Wymondham