

3 April 2007

Our ref: LAC 19 April 2007
Your ref: Ian Gourlay
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To: Councillors: Mrs J. Kirby, T. Brindley
Other members of the Committee to be advised

Dear Councillor,

A meeting of the

**LICENSING AND APPEALS COMMITTEE
(SUB-COMMITTEE)**

will be held in

**Committee Room 3,
COUNCIL OFFICES, GERON ROAD,
LETCHWORTH GARDEN CITY**

on

THURSDAY, 19 APRIL 2007

at

2.30 p.m.

To hear the following application under the Licensing Act 2003:

**GRANT OF A PREMISES LICENCE IN RESPECT OF CITY KEBAB, 74
EASTCHEAP, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 3DD**

Yours sincerely,



David Miley
Democratic Services Manager

**NORTH HERTFORDSHIRE DISTRICT COUNCIL
LICENSING ACT 2003
HEARING PROCEDURE**

<p>1. Chair's Welcome</p> <p>Introduction of:</p> <ul style="list-style-type: none"> • Councillors sitting on Sub-Committee (Sub-Committee); • legal advisor; • licensing officer; • officers of responsible authorities; • interested parties (objectors); and • the applicant. 	
<p>2. The Chair will outline the procedure for the hearing</p>	
<p>3. The Chair will ask the Legal Advisor to outline the matters for consideration during the course of the hearing.</p>	

<p><u>The Licensing Officer's report</u></p> <p>4. The Chair will ask the Licensing Officer if they have anything to add to their report to the Sub-Committee; if there has been any changes to the application, and if so, if all interested parties and responsible authorities have been made aware of the changes</p> <p>5. The Chair will ask if there are any questions of fact of the Licensing Officer</p> <p>6. The Sub-Committee may ask questions of the Licensing Officer</p>	
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<p><u>The responsible authorities submit their case</u></p> <p>7. The Chair will ask the responsible authorities, in turn, to present their submissions to the Sub-Committee</p> <p>8. The Chair will ask if there are any questions of fact of the responsible authority</p> <p>9. The Sub-Committee may ask questions of the responsible authority</p> <p>The above process will be repeated if there is more than one responsible authority</p>	
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The interested parties submit their case

10. The Chair will ask the interested parties, in turn, to present their submissions to the Sub-Committee
11. The Chair will ask if there are any questions of fact of the interested parties
12. The Sub-Committee may ask questions of the interested parties

The applicants case

13. The Chair will ask the applicant to present their submissions to the Sub-Committee
14. The Chair will ask if there are any questions of fact of the applicant
15. The Sub-Committee may ask questions of the applicant

Closing statements

16. The Licensing Officer may make final submissions to the Sub-Committee
17. The responsible authorities, in turn, may make final submissions to the Sub-Committee
18. The interested parties, in turn, may make final submissions to the Sub-Committee
19. The Applicant may make final submissions to the Sub-Committee

Conclusion

20. The Legal Advisor will summarise any legal points that have arisen during the hearing and will answer any legal questions from the Sub-Committee.
21. The Sub-Committee will close the hearing and retire to make a decision.
22. Where possible, the Chair will announce the Sub-Committee's decision and will give reasons for the decision.

LICENSING AND APPEALS COMMITTEE 19th April 2007

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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LICENSING ACT 2003

**APPLICATION BY IBRAHIM KURT FOR THE GRANT OF A PREMISES LICENCE
IN RESPECT OF CITY KEBAB, 74 EASTCHEAP, LETCHWORTH GARDEN CITY,
HERTFORDSHIRE, SG6 3DD.**

**REPORT OF THE STRATEGIC DIRECTOR OF FINANCIAL AND REGULATORY
SERVICES**

1. BACKGROUND

The premises do not currently hold any licence under the Licensing Act 2003.

2. APPLICATION

2.1 The application is for the grant of a Premises Licence under Section 17 of the Licensing Act 2003.

2.2 The licensable activities and hours applied for are:

See following application

3. APPLICATION PROCESS

3.1 On 20th February 2007, Ibrahim Kurt made an application for the grant of a Premises Licence.

3.2 The Applicant served copies of this application to the Police Authority and the other Responsible Authorities

3.3 A public notice was displayed on the premises and was exhibited for a period of not less than 28 days. A newspaper advertisement was placed in The Comet.

4. REPRESENTATIONS

4.1 No representation was received from the Hertfordshire Constabulary.

4.2 No representations were received from any other Responsible Authority.

4.3 One representation was received from an Interested Party.

4.4 The Applicant has been served with a copy of the representation.

- 4.5 The Applicant and the Interested Party have been invited to attend the hearing to present their respective cases. They have been advised that they may be legally represented and of the Committee Hearing procedure.

5 OBSERVATIONS

- 5.1 In determining this application, the Committee must have regard to the representations and take such steps, as it considers necessary for the promotion of the Licensing Objectives.
- 5.2 In making its decision, the Licensing and Appeals Committee must act with a view to promoting the Licensing Objectives. It must also have regard to the Licensing Authority's Statement of Licensing Policy and National Guidance.
- 5.3 The Licensing and Appeals Committee has the following options when issuing the Decision Notice:
- i) Grant the Application as made
 - ii) Grant the Application with conditions. Conditions should only be added where they are necessary to promote the Licensing Objectives.
 - iii) Refuse the Application.

6. CONTACT OFFICERS

- 6.1 Steve Cobb, Licensing and Enforcement Officer – Telephone 01462 474833.