



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION

Application Ref No: SHE/SWALE/189/0729

Applicant: Merdan Yildirim

Regarding **NEW PREMISES LICENCE – Island Fish Bar**

Date(s) of hearing: 30 September 2019

Date of determination: 30 September 2019

Committee Members: [Chairman]: Councillor Roger Clark
Councillor Derek Carnell (Chairman)
Councillor Carole Jackson

Legal Advisor in attendance at hearing(s): Robin Harris

Licensing Officer in attendance at hearing(s): Chris Hills

This was an application for:

- ☐ Variation ☒ Grant
☐ Provisional Statement ☐ Review ☐ Other

for a

- ☒ Premises Licence ☐ Club Premises Certificate ☐ Personal Licence
☐ Temporary Event Notice

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

- Name: Mr Merdan Yildirim
- Legal or other representative: Mrs Beiza Tzivelek

Responsible Authorities

(b) Other Persons

Witnesses and legal representatives in support of other persons

Dr Umit Avci

Representations considered in the absence of a party to the hearing:

N/A

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Swale Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 16-24 which relate to the grant of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives

Chapter 8 & 9 which relates to premises licences & determinations

Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account its Statement of Licensing Policy:

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

N/A

C: Determination:

The Committee has decided to:

Grant the application as applied for but subject to the additional conditions offered by the applicant and in particular that the licensed hours be Sunday to Thursday 11:00 hours to 23:00 hours and Friday to Saturday 11:00 hours to 00:00 hours and that the sale of alcohol will be limited to sales for consumption on the premises.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee has regard to the representations made in writing regarding this licensing objective. The Sub-Committee noted that the applicant had agreed conditions with Kent Police, however the applicant had also considered the representations made by other persons and offered conditions which shortened the hours for the sale of alcohol and limited sales to on-sales. The Sub-Committee were satisfied that these conditions were sufficient to meet this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee had regard to the representations made in writing and the comments made during the hearing today and were satisfied that the operating schedule for this premises is sufficient to meet this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had regard to the representations made in writing and the comments made during the hearing today. The Sub-Committee were of the view that the reduced hours and limitation to on-sales was sufficient to meet this licensing objective. The Sub-Committee considered the proposed condition for the premises to employ SIA door staff in order to assist in meeting this licensing objective. The applicant stated that he was willing to employ door staff if this proved to be necessary. The Sub-Committee were satisfied that this undertaking was sufficient and it would not be necessary or appropriate to formally make this a condition of the licence.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee had regard to the representations made in writing and were satisfied that the operating schedule for this premises is sufficient to meet this licensing objective.

Cllr Derek Carnell (CHAIRMAN):

Signed:

A handwritten signature in black ink, appearing to be 'D. Carnell', written over a horizontal line.

A copy of the original document is held on file

Date: 30 September 2019