

LICENSING COMMITTEE -SUB-COMMITTEE HEARING

Flames Kebab 106 Norfolk Street King's Lynn PE30 1AQ

Agenda

Tuesday 30th October 2012 10am

VENUE:

Wembley Room
Lynnsport & Leisure Park
Greenpark Avenue
King's Lynn
Norfolk
PE30 2NB



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King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.

Telephone: 01553 616275

Fax: 01553 691663

My Ref: RAE/LC

Please ask for: Rachael Edwards Direct Dial: (01553) 616275

Email: rachael.edwards@west-norfolk.gov.uk

15th October 2012

Dear Member

<u>Licensing Sub-Committee Hearing –Tuesday 30th October 2012</u>

You are invited to attend a meeting of a Licensing Sub-Committee to commence at **10am** on **Tuesday 30th October 2012** in the **Wembley Room, Lynnsport & Leisure Park**, Greenpark Avenue, King's Lynn to consider the business shown below.

Yours sincerely, Chief Executive

AGENDA

- 1. To consider a application for the grant of a variation application in respect of Papers attached as follows:-
 - (a) Procedure that will be followed at the hearing (pages 1-3)
 - (b) Report of the Licensing Manager under the Licensing Act 2003 (pages 4 12)
 - (c) Appendix One Copy of the Application Form (pages 13 28)
 - (d) Appendix Two Letter of objection from Norfolk Constabulary dated 4th October 2012 (pages 29 – 32)
 - (e) Appendix Three Premises Plan (page 33)
 - (f) Appendix Four Location Plan (page 34)

To: Panel Members – Councillors G Sandell, C Manning and D Tyler

Appropriate Officers – Rachael Edwards and John Gilbraith

Legal Advisor

All relevant parties

Procedure for Determining Licensing Act 2002 Applications

The hearings will be held in public. The hearing is not adversarial but an examination of the facts by the Members of the Committee. All participants must be courteous at all times. All parties will be given equal maximum time i.e. normally 15 minutes each, in total. Any person may apply for longer time if they immediately notify the licensing authority upon receipt of the Notice of the Hearing and in exceptional circumstances, the licensing authority may extend the maximum time allowed to all parties if the complexity of the application demands. In the event that there are a large number of objections to a particular application, the licensing authority may ask an appropriate number of representatives or a single representative to put forward their views.

Introductions

1. The Chairman of the Committee should read out a statement declaring under which capacity the Committee is sitting.

This Committee is sitting to consider matters under the Licensing Act 2003.

- 2. The Chairman should introduce himself and the Members of the Committee.
- 3. The Chairman should introduce the Legal Advisor to the Committee and explain his/her impartial role.
- 4. The Chairman should introduce the Licensing Manager/Enforcement Officer and explain his/her role.
- 5. The Chairman should introduce the Democratic Services Officer and explain her role.
- 6. The Chairman should invite all those present to introduce themselves and ask them to indicate if they wish to speak (Agreement on the length of time given for each speaker is at the discretion on the Chairman).

The Application for a Variation of a Premises Licence

- 7. The Licensing Manager explains the procedure that will be followed at the meeting.
- 8. The Licensing Manager outlines the variation application to the Committee by presenting the report referring to any relevant Statutory Guidance and the Council's Licensing Policy.
- 9. The Licensing Manager will invite questions in relation to the report from all parties.

The Applicant's Case

10. The Licensing Manager will then invite the Applicant or his representative to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

Questions

- 11. Once the Applicant/representative has presented their case, the Licensing Manager can ask questions and will then invite questions to the Applicant or his Representative from the (1) responsible authorities or their representatives (2) other interested persons (or their representatives) (3) Members of the Committee.
- 12. The Licensing Manager can ask any of the witnesses questions and then will invite questions to the Witnesses from (1) responsible authorities or their representatives (2) other interested persons (or their representatives) (3) Members of the Committee.

Questions should be relevant to the application and repetition will be discouraged.

Representations

13. Each of the other parties or their representatives wishing to address the Committee may do so in an order determined by the Licensing Manager which should allow the responsible authorities before any local objectors. They too must be willing to be questioned by other parties in the same order. Local Objectors may not however question each other.

Questions should be relevant to the application and repetition will be discouraged.

Summing Up

- 14. The Licensing Manager will then invite the responsible authorities (Police, Fire Authority, Community Safety and Neighbourhood Nuisance (Borough Council) etc) and interested persons (or their representatives) to sum up their case. They may comment on what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
- 15. The Licensing Manager then invites the Applicant or his representative to sum up their case. They may comment on what has been said but no new evidence should be introduced. They will be allowed 5 minutes to sum up.

Reaching a Decision

- 16. The Chairman will invite the Clerk to address to Committee on any outstanding matters.
- 17. The Chairman will then thank all those who have spoken and invite the Committee to retire in private to consider the application, accompanied by the Legal Advisor and Democratic Services Officer who will not take part in the decision
- 18. The Committee will then debate the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.

Making a Decision

- 19. Once a decision has been made and reasons formulated, everyone will return back in to the room and the Legal Advisor will announce in public any legal advice he/she has given in private.
- 20. The Chairman will read out the Committee's preliminary decision and the reasons for the decision and invite the Licensing Manager (or any other specialist Officer of the Council) to make any comments.
- 21. The Sub-Committee may retire again in private to further consider their decision/reasons and seek further advice from the Clerk or Licensing Manager/Enforcement Officer (or any other specialist Officer of the Council).
- 22. Once a final decision has been reached, The Chairman will confirm the decision and explain that all parties will be notified as soon as maybe in writing of the decision and the reasons for the decision.
- 23. The Chairman will remind all parties that they have a right of appeal against the decision to the Magistrates Court but any appeal must be based on one or more of the four licensing objectives.

Please note at any time during the hearing, the Legal Advisor or Licensing Manager/Enforcement Officer (or specialist Officer of the Council) may be asked or may offer advice to the Sub-Committee/other parties.

NOTE

A decision may be deferred to:-

- 1. Receive further documentation referred to in the meeting
- 2. Enable a site visit to take place
- 3. Invite the Applicant or his representative to appear if they had not done so at the meeting (only once)
- No further debate may be heard on further documentation or at a site visit
- Adjournments should generally be granted if to refuse would deny applicant a fair hearing.

Borough Council of King's Lynn & West Norfolk

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 30th October 2012

Application for Grant of a Premises Licence

Flames Kebab, 106 Norfolk Street, King's Lynn, PE30 1AQ

Introduction

- 1. A premises licence is required under the Licensing Act 2003 for the sale of alcohol, regulated entertainment or for the provision of late night refreshment (i.e. the supply of hot food and drink between 11pm and 5am). The four licensing objectives to be considered when determining the application, and relevant representations, are:
 - the prevention of crime & disorder,
 - public safety,
 - the prevention of public nuisance, and
 - the protection of children from harm

The Application

2. Mr Mehmet Tasin has made an application under Section 17 of the Licensing Act 2003 for the licensable activities of 'late night refreshment' and 'sale of alcohol by retail'. A copy of the application is attached at Appendix 1 and if granted would allow Flames Kebab to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Late Night Refreshment:	Monday to Sunday	11pm to 4am
Sale of Alcohol: (For consumption both on and off the premises)	Monday to Sunday	5pm to 4am

Mandatory Conditions

- 3. The premises licence, if granted would be subject to the following mandatory conditions:
 - (a) Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 - (c) In relation to the sale of alcohol, the responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or

participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means an activity carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.

- (d) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (e) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (f) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- (g) The responsible person shall ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

And that customers are made aware of the availability of these measures.

Conditions Consistent with the Operating Schedule

- 4. The licence, if granted would be subject to the following conditions which are consistent with the operating schedule:
 - (a) A digital CCTV system shall be maintained in the premises and in working order at all times. Cameras are to monitor all public areas and images must be retained for a minimum of 28 days. Copies of images must be downloadable in a digital format and provided to police or authorised officers of licensing authority upon reasonable request.
 - (b) No beer or cider shall be sold on the premise which has an ABV (Alcohol by Volume) level higher than 6.5%.

(c) No sale of alcohol shall take place on the premise unless there is at least one personal licence holder present.

History

5. Flames Kebab already holds a premises licence which was granted in November 2005. This licence (WNPL005519) authorises the provision of late night refreshment only until 4am each day.

Representation from Responsible Authorities

Section 13(4) of the Act defines the 'Responsible Authorities' as the statutory bodies that must be sent copies of an application. Representations made must relate to the licensing objectives.

- 6. The following comments have been received from the Responsible Authorities:
 - a) The Norfolk Constabulary are objecting to the application under the 'Prevention of Crime & Disorder' licensing objective. A copy of their letter of objection dated the 4th October 2012 is attached to this report at Appendix 2.
 - b) Comments from the other responsible authorities are as follows:

Responsible Authority	Comments Received
Norfolk Fire Service	None
Norfolk Trading Standards	None
Norfolk Safeguarding Children's Board	None
Public Health	None
Planning (BCKLWN)	None
Health & Safety (BCKLWN)	None
Community Safety & Neighbourhood Nuisance (BCKLWN)	None
Licensing Authority (BCKLWN)	None

Representations from 'Other Persons'

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This Includes any individual, body or business that are entitled to make representations to applications. Representations made must relate to the licensing objectives.

7. There are no representations from 'other persons' to consider.

Notices

8. The applicant is responsible for advertising the application by way of a notice in the specified form at the premises for not less than 28 consecutive days and in a local newspaper. The Public Notice appeared in the Lynn News on Tuesday the 18th September 2012 and should have been displayed on the premises until the 11th October 2012.

Plans

9. A plan of the premises is attached at Appendix 3 and a location plan is attached at Appendix 4.

Borough Council of King's Lynn & West Norfolk's Licensing Policy

10. The current Statement of Licensing Policy was approved by full Council on the 25th November 2010 and the following extracts may be relevant to this application:

3.0 Fundamental principles

- 3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:
 - (a) the prevention of crime and disorder,
 - (b) public safety,
 - (c) the prevention of public nuisance, and
 - (d) the protection of children from harm.
- 3.2 Nothing in this 'Statement of Policy' will:
 - (a) undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
 - (b) override the right of any person to make representations on an application.
- 3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation.
- 3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.

18.0 Conditions

18.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an

environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and necessary to achieve the Licensing Objectives.

Guidance Issued Under Section 182 of the Licensing Act 2003

Under Section 4 of the Act, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in April 2012 and offers advice to Licensing authorities on the discharge of their functions under the Act.

11. The following extracts may be relevant to this application and assist the sub-committee:

Each application on its own merits

1.16 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy where, for example, its effect on cumulative impact is relevant. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Crime & Disorder

- 2.1 The steps which any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 The Government's expectation is that the police will have a key role in undertaking various tasks such as advising on the installation and monitoring of security devices such as CCTV.
- 2.16 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Conditions on licences must:
 - be precise and enforceable;
 - be unambiguous;
 - not duplicate other statutory provisions;
 - be clear in what they intend to achieve; and,
 - be appropriate, proportionate and justifiable.

Representations from the Police

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and

should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Hearings

- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.35 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For

- example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

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.

Imposed Conditions

10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to

impose conditions to promote one or more of the four licensing objectives.

Proportionality

- 10.14 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.
- 10.15 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

Hours of Trading

10.21 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

Determination

- 12. Having regard to the representation received, the Licensing Sub-Committee are requested to consider the application, this report and take such steps as it considers appropriate for the promotion of the licensing objectives. These steps are:
 - a) To grant the application under the terms and conditions applied;
 - b) To grant the application with conditions that the Sub-Committee considers appropriate for the promotion of the licensing objectives;
 - c) To reject all or part of the application.
- 13. The Sub-Committee are reminded that full reasons for its decision must be given as both the applicant and objector have a right of appeal against that decision to the Magistrates' Court.

John Gilbraith

Licensing Manager Environmental Health & Housing 15th October 2012

Appendixes:

- 1. Copy of Application.
- 2. Letter of Objection from Norfolk Constabulary dated 4 October 2012.
- 3. Premises Plan.
- 4. Location Plan.

Background Papers:

- 1. The Licensing Act 2003
- 2. Borough Council's Statement of Licensing Policy (25 November 2010)
- 3. Guidance issued under Section 182 of the Licensing Act 2003 (April 2012)

Appendix 1 to
Report to Licensing Sub-Committee
Re: Flames Kebab
Dated 15th October 2012

Licensing
Environmental Health & Housing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn, PE30 1EX
Tel: 01553 616600
Email: ehlicensing@west-norfolk.gov.uk
www.west-norfolk.gov.uk

Borough Council of King's Lynn & West Norfolk



Licensing Act 2003

Application for a Premises Licence

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.

Once completed, send your original applications back to us at:

- The Licensing Team, Environmental Health & Housing, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX. and copies to the following:-
- Norfolk Constabulary Licensing Team, 4th Floor Vantage House, Fishers Lane, Norwich, Norfolk, NR2 1ET.
- Fire Safety Office, Norfolk Fire Service Western Area, Kilhams Way, King's Lynn, PE30 2HY
- NSCB, Suite B, Sapphire House, Roundtree Way, Norwich, NR7 8SS
- Norfolk Trading Standards, Consumer Operations Manager, Norfolk County Council Trading Standards, County Hall, Martineau Lane, Norwich, NR1 2UD
- Planning, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
- Health & Safety, Environmental Health & Housing, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
- Community Safety & Neighbourhood Nuisance, Environmental Health & Housing, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
- Public Health Director, Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1
 2DH

I / We	MR MEHMET TASIN
	(insert name(s) of applicant(s))

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 the application to you as the relevant licensing authority in accordance with Section 12 of the Licensing Act 2003.

Part 1 – Premises Details				
Name, postal address of premises or, if none, ordnance survey map reference, or description				
FIAMES KEBAB				
106 NORFOLK STREET.				
KINGS LYNN				
Post town: RECED KINGS LYNN	Postcode: PE30 IAG			

Telephone number at premises (if any):	01553773003
Non-domestic rateable value of premises:	£ 8.100

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

	Pleas	se tick √	yes
a)	an individual or individuals*	V	please complete section (A)
b)	a person other than an individual*		
	1. as a limited company		please complete section (B)
	2. as a partnership		please complete section (B)
	3. as an unincorporated association or		please complete section (B)
	4. 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)
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		please complete section (B)
h)	the chief officer of a police force in England and Wales		please complete section (B)
*If you	are applying as a person described in (a) or (b) p		onfirm: please tick √ yes
•	I am carrying on or proposing to carry on a busi which involves the use of the premises for licen:		tivities; or
	I am making the application pursuant to a		hamod
	° statutory function or		
	° a function discharged by virtue of Her	Maiestv	's prerogative

(A) Individual Applica	ı nts (fill in as app	olicable))	
Mr Mrs	Miss	Ms	Other ti	tle
Surname			First names	
TASIN			MEHM	ET
I am 18 years old or ove	ər		please tid	ck√yes 🗹
Current postal address If different from premises address	-			
Post Town:	LONDO	V	Post Code:	
Daytime telephone number	r:			
Email address (optional):	mehme	+ tas	ina hoti	nail.com.
Second Individual App Mr Mrs Surname		Ms _	Other tit (e.g. Rev) First names	hamman
		l	. not names	
I am 18 years old or ove	r		please tic	k√yes □
Current postal address If different from premises address				
Post Town:			Post Code:	
Daytime telephone number	a a			
Email address (optional):		handakken dilakansan kenangan pengangan pengangan pengangan pengangan pengangan pengangan pengangan pengangan		

(B) Other Applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or 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)
Part 3 – Operating Schedule 10 . 10. 2012
When do you want the premises licence to start?
If you wish the licence to be valid only for a limited period, when do you want it to end?
If 5 000 as mare people are expected to attend the promises at any
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.
Please give a general description of the premises (please read guidance note 1)
WE ARE A HOT FOOD TAKE AWAY SHOP
SUPPLYING: KEBABS
PIZZA
FRIED CHICKEN
BUKGERS ECT.
ALCOHOL FOR CONSUMPTION BOTH ON " OFF PREMISES.

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

	Provision of regulated entertainment	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) performance 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)	
	Provision of entertainment facilities for:	
	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 refreshments (if ticking yes, fill in box L)	
	Sale by retail of alcohol (if ticking yes, fill in box M)	U
	in all cases complete boxes N, O and P	

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Plays Standard days and		ays and	Will the performance of a play take place Indoors		
	(please read		indoors or outdoors or both – please tick ✓ Outdo		
Day	Start	Finish	(please read guidance note 2)	Both	
Mon			Please give further details here (please read g	guidance note	3)
Tue					
Wed			State any seasonal variations for performing p guidance note 4)	elays (please re	ead
Thur					
Fri			Non standard timings. Where you intend to us the performance of plays at different times to t column on the left, please list (please read gui	hose listed in t	
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В					
timings	Standard da (please read		Will the exhibition of film take place indoors or outdoors or both → please tick ✓ (please	Indoors Outdoors	
note 6) Day	Start	Finish	read guidance note/2)	Both	
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Wed			State any seasonal variations for the exhibition read guidance note 4)	n of films (plea	se
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Fi		/	Non standard timings. Where you intend to use The exhibition of films at different times to thos column on the left, please list (please read gui	se listed in the	for
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Indoor sporting events Standard timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
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Tue			State any seasonal variation (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)
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D

A boxing or wrestling		_	Will the having or wreatling entertainment	Indoors
i	entertainment Standard timings (please read guidance note 6)		Will the boxing or wrestling entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Outdoors
Day	Start	Finish		Both
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Tue				
Wed			State any seasonal variation (please read gui	dance note 4)
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And the state of t			Non standard timings. Where you intend to us different times to those listed in the column or (please read guidance note 5)	
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E

Perfori	mance of	live	Will the performance of live music take place	
music Standard timings (please read guidance note 6)			indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Outdoors
Day	Start	Finish	(please read guidance note 2)	Both
Mon			Please give further details here (please read gu	idance note 3)
Tue				
Wed			State any seasonal variation (please read guida	ance note 4)
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Fri			Non standard timings. Where you intend to use different times to those listed in the column on tread guidance note 5)	
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F				^
Playin	Playing of recorded		Will the playing of recorded music take	Indoors
music Standard timings (please read guidance note 6)			place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Outdoors
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1	mance of		Will the performance of dance take place Indoors		
	Standard timings (please read guidance note 6)		indoors, outdoors or both – please tick ✓	Outdoors	
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Mon			Please give further details here (please read guidance note 3)		
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Entertainment of a similar description to		on to	Please give a description of the type of entertainment you will be providing:		
that falling within (e), (f) or (g) Standard timings (please read guidance note 6)		ings			
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Provision of facilities for making music Standard timings (please read guidance note 6)		tandard	Please give a description of the type of entertain providing	ment you w	ill be
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Fri					
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J

Provision of facilities for			Will the facilities for dancing be indoors,	Indoors	
dancing Standard timings		-	outdoors or both – please tick ✓ (please	Outdoors	
(please	read guidand	ce note 6)	read guidance note 2)	Both	
Day	Start	Finish	Please give a description of the facilities for providing	dancing you will be	
Mon					
			Please give further details here (please read	d guidance note 3)	
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Wed			State any seasonal variation (please read guidance note 4)		
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		1	Non standard timings. Where you intend to		
l-ri	Fri		different times to those listed in the column on the left, ple (please read guidance note 5)		
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Val	di constanti di co	/			
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K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard timings (please read guidance note 6)			Please give a description of the type of entertain will be providing:	nment faci	lity you
Day	Start	Finish	Will the entertainment facility be indoors,	Indoor	
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WOII			guidance note 2)	Both	
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Wed					
Thur			State any seasonal variation (please read guida	ince note 4	•)
Fri					
Sat			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

	Late night refreshment		Will the provision of late night refreshment	Indoors	HAM
1	Standard timings (please read guidance note 6)		take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Outdoors Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		3)
Mon	2500	04-00			,
Tue	2500	0400			
Wed	232	Ot do	State any seasonal variation (please read guidance note 4)		
Thur	239	04°			And And Annual Physical Control of the Control of t
	2300	0400	Non standard timings. Where you intend to use the premises a different times to those listed in the column on the left, please is (please read guidance note 5)		
Sat	23 9	04.00			
Sun	2300	0400			That of the the control of the contr

^{*}Note: 'Late Night Refreshment' is only licensable between the hours of 11pm & 5am.

M

IVI					
Supply	of alcoho	ol	Will the sale of alcohol be for	On the premises	
Standard	l timings (ple	ase read	consumption – please tick ✓ (please	Off the premises	
guidance note 6)			read guidance note 6)	Both	
Day	Start	Finish	State any seasonal variation (please read guidance note 4)		
Mon	17:00	04:00			
MOH	PM	AM			
Tue	17:00	04.00			
rue	PM	AM			
Wed	13.00	04.00			
vvca	PM	AM			
Thur	17.00	04:00	Non standard timings. Where you inter different times to those listed in the col	nd to use the premises at umn on the left, please list	
mui	PM	AM	(please read guidance note 5)	u.,,, p	
Fri	17.00	04.00			
1 11	PM	AM			
Sat	17.00	04.00			
<u> </u>	PM	AM			
Sun	17.00	04.00			
<u> </u>	PM	AM			

designated premises supervisor (DPS)	
Name: MR MUSTAFA TASIN	
Address:	* * *
	A * #
Postcode:	
Personal Licence number (if known): WNPA 010058	* * *
Issuing licensing authority (if known): Bourough Council of Kina's Lynn + West North	ålK.

Ν

Please highlight any services, activities, 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)

NONE.

0

,			
Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	17:00 PM	04'00 AM	
Tue	17.00 PM	04:00 A M	
Wed	17.00 PM	04:00 AM	Non standard timings. Where you intend to use the premises at
Thur	17-00 PM	04:00 AM	different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	17:00 PM	04:00 AM	
Sat	77.00 PM	04:00 AM	
Sun	17:00 PM	0400 AM	

PDescribe 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)

We use the 25 years age scame:
If ANY ONE LOOKS UNDER THE AGE

OF 25 YEARS WE ASK FOR ID TO

PROUG THEY ARE OVER 18 YEARS OLD.

WE HAVE A CAMBRA IN THE SHOP.

ALL ALCOHOL WILL BE SECURED AWAY FROM CONTOMER

VIEW. WE WILL NOT SELL ANY BEERS CIDERS OVER

6:58Abv.

b) The prevention of crime and disorder

WE HAVE A CAMERA IN THE SHOP.

CCTV-WILL BE IN OPERATION WITH RECORDINGS BEING

AVALABLE UPON REQUEST

A PERSONAL LICENCE HOLDER WILL BE PRESENT WHEN

THE PREMISES IS TRADING.

c) Public safety

WE HAVE 3 EXIT DOORS IN THE SHOP ONE FRONT ONE SIDE. WE MAKE SURE OUR FIRE EXTINGUSERS ARE CLOSE AND ALWAYS IN WORKING ORDER.

d) The prevention of public nuisance

DURING WEEK IT'S QUET BUT IN NEED OF ANY HELP OUR WORKERS TEND TO BE VERY POLITY and OBLE TO BREAK ANY FIGHTS. WEEKENDS POLLOE ARE ALWAYS UP OND DOWN OUR STREET.

e) The protection of children from harm

WE TAND TO KEEP CHILDREN ON ONE SIDE OF THE COUNTER IN ORDER FOR THEM TO BE SERVED SEPERATELY AND NOT ALLOW ANY ONE TO PUSH OR HURT THEM. AGE VERIFICATION SYSTEM WILL BE IN PLACE.

Part 4 – Signatures (please read guidance note 10)

Checklist	Please tick√ yes
I have made or enclosed payment of the fee. Cheques should be made payable to 'BCKLWN'):	□ □
I have enclosed two sets of plans of the premises:	回
I have sent you the original application and copies including the plan to the 'responsible authorities' (details on front page): I have enclosed the consent form completed by the individual I wish to be premises supervisor (if applicable):	<u>d</u>
I will send / I enclose my Certificate of Service:	
I understand that I must now advertise the application both in a newspaper and on the premises:	区
I will send / I enclose the Certificate of Display:	
I will send a copy of the advert once it has appeared in the newspaper	□ ∕
I understand that if I do not comply with the above requirements my application may be rejected:	
It is an offence, liable to conviction to a fine up to level 5 on the state (£5,000) under section 158 of the Licensing Act 2003 to make a false state in connection with this action.	andard scale atement in or
The council is registered under the Data Protection Act 1998 for the processing personal data in the performance of its legitimate but information held by the council will be processed in compliance we principles of the Act. Information you have provided may be share public sector organisations for the prevention and detection of frainformation relating to your rights under the Data Protection Act can be on request.	isiness. Any ith the eight of with other aud. Further
Signature of applicant (the current premises licence holder) or application or other duly authorised agent. (See guidance note 11) If signing on lapplicant please state in what capacity.	behalf of the
Signature: M. Luu Date: 07-09-12 Capacity: OWNER	
Capacity: CWNER	* * * * * * * * * * * * * *
Where the premises licence is jointly held signature of 2 nd applicant premises licence holder) or 2 nd applicant's solicitor or other author (Please read guidance note 12) If signing on behalf of the applicant ple what capacity.	rised agent.
Signature: Date:	
Capacity:	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Name:

Address:

PAUL BYATT.

LICENSED-INN-TUITION

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KING'S LYNN

NORFOLK PE32 IEN

If you prefer us to correspond with you by e-mail your email address (optional):

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Notes for Guidance

If you are completing this form by hand please write legibly in black ink and stay within the boxes.

- 1. Describe the premises. For example the type of premises, its general situation and the layout and other information which could be relevant to the licensing objectives. Where the 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.
- 2. Where taking place in a building or other structure tick indoors. Indoors may include a tent
- 3. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively whether the or not music will be amplified or unamplified
- 4. For example (but not exclusively), where the activity will go on for an extra hour during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve, New Year's Eve etc.
- 6. Please 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.
- 7. If you wish people to be able to consume alcohol on the premises please tick **on**, if you wish people to be able to purchase alcohol to consume away from the premises please tick **off**. If you wish people to be able to do both please tick **both**.
- 8. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
- 9. Please list here steps you will take to promote all four licensing objectives.
- 10. The application must be signed.
- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, both applicants or their respective agents must sign the application form
- 13. This is the address which we shall use to correspond with you about this application.



Appendix 2 to

Report to Licensing Sub-Committee

Re: Flames Kebab
Dated 15th October 2012

CONSTABULARY

Our Priority is You

The Licensing Dept Borough Council of King's Lynn & West Norfolk King's Court, Chapel Street King's Lynn. PE30 1EX.

Date: 04 October 2012

Ref: TG/Lic:

Dear Licensing Team,

Norfolk Constabulary Licensing Team 4th Floor, Vantage House Fishers Lane Norwich Norfolk

Tel: 01603 276020 Fax: 01603 276025

Email: grovera@norfolk.pnn.police.uk

www.norfolk.police.uk

NR2 1ET

Non-Emergency Tel: 0845 456 4567

Application under the Licensing Act 2003

Premises: Flames Kebab 106 Norfolk Street, Kings Lynn. PE30 1AQ

Name of applicant: Mr. Mehmet TASIN

Type of application: New Premises Licence

The Police wish to make a representation regarding this application on the grounds that the Crime Prevention and Disorder Objective could be undermined.

The reason(s) for this representation are:

The premises know as Flames Kebab operates as a take-away shop but does have a limited amount of customer seating along one wall inside the shop service area. The premise currently has the benefit of a premises licence (in the name of the above applicant) allowing the Provision of Late Night Refreshment only on each day up to 4am.

This application seeks to add the provision of alcohol for consumption both on and off the premises between the same times as the current licence.

This premise is situated in the heart of the night time economy in the town centre of Kings Lynn. It is in the immediate vicinity of popular pubs and clubs in Norfolk Street and four other take away shops all within the distance of about 150 yards of each other. There are often disturbances in this area which the Police have to attend and deal with. The reasons for the disturbances are generally due to the effects of alcohol fuelled night time revellers who often delay departing the area due to the availability of late night refreshment from these take-away outlets.

The concern of the local Police Commander is that allowing this premise the ability to serve alcohol will be likely to increase the crime and anti-social behaviour problems already experienced by the Police and the public that use the area which are generally most likely between midnight and 5am at the weekends. Other similar establishments within the same locality that do already have the ability to serve alcohol as part of their Premises Licences have numerous incidents recorded against their premises which involve such behaviour, the vast majority of which are caused by persons suffering from the effects of alcohol abuse.

Chief Inspector Porter is the Operations Commander for Kings Lynn and makes the following comments to this application:

"Norfolk Street is a hotspot location for violence, anti social behaviour which is focussed on Thursday, Friday and Saturday nights. I'm opposed to any further establishments in the locality of Norfolk Street being allowed to sell alcohol. The experience of the Police is that violence in and around off licence premises and inside the same premises is at its highest in Norfolk Street.

Norfolk Street contains a number of venues whom already have licenses to sell alcohol and the additional licence will only fuel the problems. Norfolk Street is the focal point for most patrons to end their evening having spent a night inside one of the many pubs or clubs, these same patrons will already be intoxicated and in many cases drunk which increases the risks of them drinking more alcohol."

Whilst Flames Kebab forms an integral part of the night time economy in Norfolk Street it would be true to say that in the last 12 months there have been no incidents recorded at the premises involving crime or anti-social behaviour. The Police believe that this is mainly attributed to the fact that persons who frequent these premises are well aware that they cannot get more alcohol and that all they want is some take away food.

It is also true to say that within the last 12 months two of the take-away venues in Norfolk Street which do have the ability to serve alcohol on their Premises Licences have been subject to Police intervention by the Licensing Team due to the level of incidents involving alcohol fuelled crime and anti-social behaviour. As per the guidance given in the Licensing Act, the issues highlighted at those premises have been discussed with the licence holders and measures taken to try and reduce the numbers of incident that the Police have to deal with. These measures have had some effect and the situation regarding both those premises is under constant monitoring.

Specifically, one of the most effective measures take at both those premises was to encourage the provision and availability of professional licensed door staff to assist the licence holders regarding the management of the premises during the most vulnerable times, i.e. when revellers are turning out of the pubs and clubs and prior to them dispersing from the area and going home.

The Police Licensing Officer has had an opportunity to speak with the applicant and his representative to discuss the concerns already made aware to them by phone prior to that face to face meeting. When it was suggested to them that the consideration of the provision of door staff at the premises would be a major factor for the Police to reconsider their objection to this application, that suggestion was completely rejected. The reason for the rejection was that they believed that it would be an unfair imposition upon the licence holder as it could not be substantiated at this time that the provision of alcohol would cause Crime and Disorder incidents and that they believe that the measures already in place would be sufficient to address the Licensing Objectives.

The Police view is that it is incumbent upon the applicant to take into account all the circumstances of the operation of his business in the immediate area and make a realistic assessment of the real situation that is evident in Norfolk Street and the problems that similar premises to his experience when offering alcohol as part of the services they offer and which are often abused by their clients. Having made that assessment the applicant should then be in a position to demonstrate that he will take all steps necessary to minimise the risk of incidents of Crime and Disorder occurring at his premises if he were successful in his application.

The PREVENETION OF CRIME & DISORDER LICENSING OBJECTIVE suggests that the applicant should demonstrate that he has taken all reasonable steps to PREVENT the likelihood of CRIME & DISORDER occurring at his premises.

The current Section 182 Guidance given in the Licensing Act 2003 at points 2.6 and 2.7 are pertinent in this instance and advise as follows:-

2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.7 Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

As previously stated, the Police object to the part of this application that would allow for the retail sale of alcohol for consumption both on and off the premises for the reasons given.

If the Licensing Committee were minded to grant the application in full the Police would request that the following amendments and conditions are placed on the new premises licence:

- 1) **Amendment** The timings for the sale of alcohol to be amended to end at midnight on each day.
- 2) **Condition** The premises shall have installed a CCTV system capable of recording onto a digital format and storing images for a rolling period of not less than 28 days.
- 3) **Condition** A screen will be placed in such a position within the shop so that staff can monitor images of persons within and that customers may be aware that there is CCTV in operation.
- 4) **Condition** The CCTV system at the premises must be maintained in good working order at all times.
- 5) **Condition** All staff members will be trained in the use of the CCTV systems and will download CCTV images upon reasonable request by representatives of the Police of Licensing Authority.
- 6) **Condition** The Licence Holder will ensure that at least one licensed Door Supervisor will be on duty at the premises from 2am and the close of business on Friday nights, Saturday nights, bank holiday weekends, Christmas Eve and New Years Eve. (NB: This condition would not be required if there was no permission for the sale of alcohol between midnight and 4am.)

In accordance with the current Section 182 Guidance to the Licensing Act 2003 there is the opportunity for a hearing to be dispensed with if the applicant, the Police and the Licensing Authority agree to the proposed Conditions highlighted by the Police in the above text and for them to be included as conditions in the licence if it is granted.

If you (the applicant) feel you are able to sign an agreement to the amendment(s) please complete the form attached to this representation and send it to the Licensing Authority. If a hearing is still to go ahead the Police will attend to put their case to the Licensing Committee for consideration.

Yours faithfully,

Tony Grover. Licensing Officer.

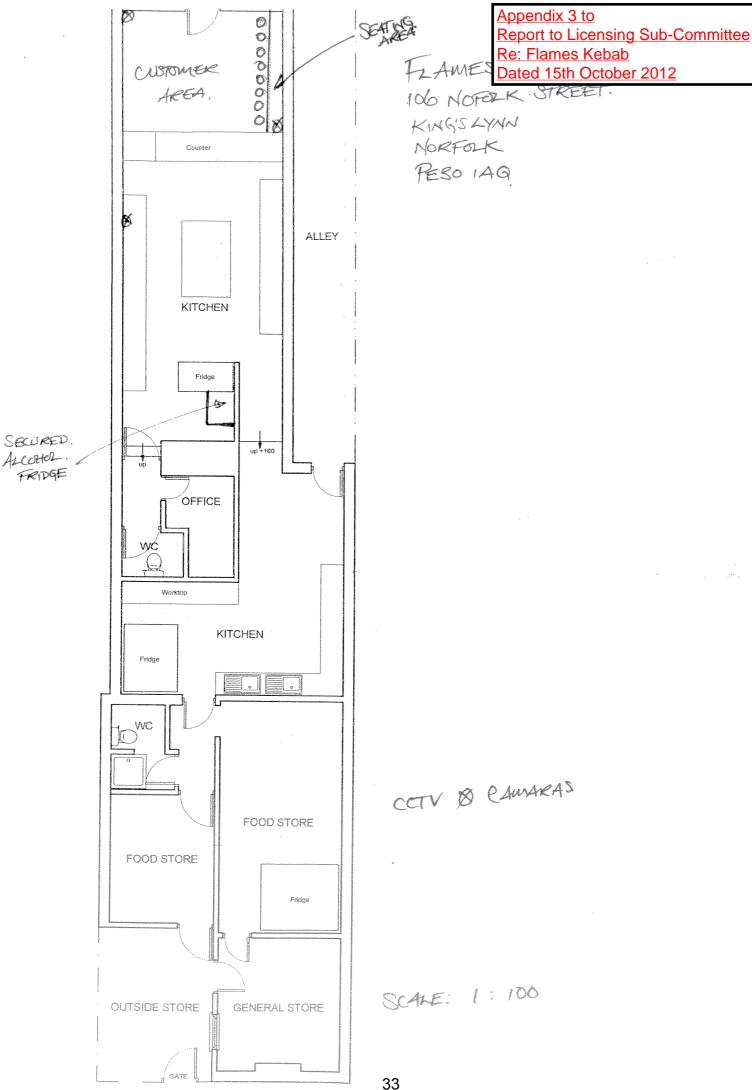
Copy to:
Mehmet TASIN Flames Kebab 106 Norfolk Street, Kings Lynn. PE30 1AQ
Name of Premises: Flames Kebab
To the Applicant(s):
Please sign the form below and return one copy to the Police Licensing Officer and the Licensing Authority at the addresses shown on the front of the accompanying letter.
I(we) acknowledge receipt of the Police representations, dated 04/10/12 Ref: TG/Lic
In connection with the application for the premises shown above I(we) agree to the amendment(s) and condition(s) (please confirm which ones) given in the letter of representation from the Police.
I(we) understand that if the licence is issued, I(we) will not engage in any Licensable Activity on the premises until I(we) have fully complied with all those conditions that require further work to be completed (e.g. Crime Prevention measures) and confirmed compliance with the Police Licensing Officer. I(we) understand that to do otherwise may put the licence at risk.
Signed

Name.....

Date.....

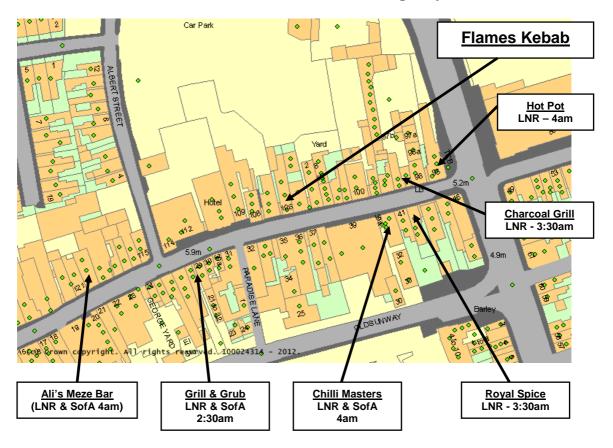






Appendix 4 to
Report to Licensing Sub-Committee
Re: Flames Kebab
Dated 15th October 2012

Location Plan - Flames Kebab, Norfolk Street, King's Lynn



Approx 60 metres