

BARNSELY METROPOLITAN BOROUGH COUNCIL

**Report of the Executive
Director of Environmental
Services to the meeting of the
Statutory Licensing Regulatory
Board Sub Committee to be
held on the 12th July 2007.**

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE

Hot Food Van, the Car Park Adjacent to Regency House, Bridge Street, Penistone.

1. Background

1.1 In May 2007 an application was received from Mr Gursel Ozcan for a premises licence for a Hot Food Van at the above premises.

1.2 Members are requested to determine the application for the Premises Licence.

1.3 The Burger Van is a Mercedes van with a conversion to produce hot food. The van will be situated on scrub land adjacent to the main arterial route through Penistone, at the junction of Back Lane and St.Mary's Street.

2 The Application for a Premises Licence

2.1 On the 16th May 2007 an application was made for a Premises Licence for a Hot Food Van, The Car Park Adjacent to Regency House, Bridge Street, Penistone. This application relates to the provision of Late Night Refreshment. The details of which are specified below:

a) Provision of Late Night Refreshment

The hours requested are for outdoors only and will be operational from 23:00 to 24:00 Sunday to Thursday, and 23:00 to 02:00 Friday and Saturday.

b) Hours Premises are open to the public

The premises licence application has been made to allow the premises to open 18:00 to 24:00 Sunday to Monday, and 18:00 to 02:00 Friday and Saturday.

3 Promotion of licensing objectives

3.1 The applicant has set out in the application the additional steps intended to be taken in order to promote the four licensing objectives, if the proposed premises licence is granted.

a) General – all four Licensing objectives

C.C.T.V in car park

b) The prevention of crime and disorder

C.C.T.V in car park

Good Lighting

Mobile Phone in case of emergency

c) Public Safety

Food Hygiene Certificate

Fire Extinguisher in Vehicle

d) The prevention of public nuisance

Park near road

e) The protection of children from harm

No children employed

4 Responsible Authorities

4.1 No representations have been received from any responsible authorities.

5 Interested parties

5.1 Following publication of the statutory notice of the application for the premises licence in the local press (a receipt of which has been provided to the Licensing Section by the applicant) and the display of notices at the premises a representation has been received from an interested party who lives in close

proximity to the premises. The representation was received within the 28 day consultation period.

5.2 The person making representations is:-

Mrs Catherine Baker, Station View, St. Mary's Street, Penistone.

5.3 The representation made by the interested party relates to the licensing objectives and is attached as Appendix 1.

5.4 The Licensing Section received a late representation from an interested party. Although the representation was received after the 28 day period for representations and having spoke to our legal department it is felt that in the interest of public safety this representation should be allowed to heard. The Licensing Act 2003 does allow for late representations to be made if they are considered in the public interest.

5.5 The person making representations is:-

Kelhem Secretaries Ltd, Regency House, St. Mary's Street, Penistone.

5.6 The representation received relates to the licensing objectives and is attached as Appendix 2.

6 Compatibility with the European Convention on Human Rights

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the board must comply with the requirements of Article 6 (the write to a fair trial). This means the applicant and should be afforded the right to make oral representations at the meeting.

If Members determine to refuse the application, it is necessary for the reasons to be clearly stated.

7 Financial implications

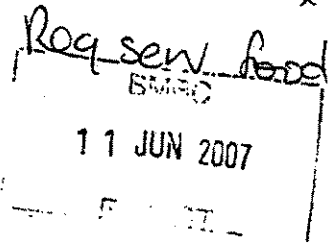
N/A.

8 List of appendices

Appendix 1 - Representation from interested party.

Appendix 2 – Representation from interested party.

Officer Contact: - K Rowland (01226) 772614



Catherine Baker

Imus (Hons) R.N.C.M.

P.P.R.N.C.M.

Station View, St. Mary's Street,
Penistone, Sheffield, S36 6AD.

Tel: (01226) 767759

06/06/07

Dear Sir/Madam,

I wish to object to the application made by Mr. Gursel Ozcan for a late night refreshment van to park adjacent to Regency House and opposite Station View (my family dwelling) in Penistone.

This refreshment van has already parked and been trading in this area and each time the police have been involved. I personally have had to speak to the police about noise issues and disturbances relating to my property. As the resident of Station View, I have already experienced the noise from the generator and this has meant that I have been unable to sleep at night. It has been impossible to sit in my front garden whilst the van is trading because the constant drone of the generator has been unacceptably loud. I also wish to object to the smell from the burger van. This is overpowering and unpleasant especially when the fumes enter my home.

Each time the van has traded in this area there has been excessive noise from traffic screeching to a halt outside my house in order to purchase food. The amount of drunken people shouting and swearing has been again unacceptable.

The morning after the van has traded, I have had to clean up litter and rubbish that has been left in the area and in my garden and, from an environmental point of view, this is not acceptable. The arches under the railway line already house rats and this is not an area to bring food to.

There are already a number of late night refreshment outlets in Penistone – a Balti house, an Indian, a Chinese and an Italian – I cannot see the need for yet another outlet serving food until the early hours.

I believe that the area the Burger Van wishes to trade is private land owned by Central Railway and I request that the Council takes steps to contact the railway regarding this application to trade on their land.

The application asks for food to be served until 2am. This would mean sleepless nights for me because of the noise, an increase in drunken people gathering outside my property, an environment problem because of litter and thrown away food, extra involvement for the police and further pollution to the area which is after all a conservation area.

I would like to know if this vehicle has a licence to trade and respectfully request that the application be denied based upon the above problems that it's presence has already caused.

I look forward to hearing from you at your earliest convenience.

Yours faithfully,

Catherine Baker.

Catherine Baker (Mrs.)

Appendix 2.

**Kelham Secretaries Ltd
Regency House
St.Marys Street
Penistone
Sheffield
S36 6DT.**

To whom it may concern.

We would not want a burger Van on any part of the land we have control of In front of the Old Railway Arches, On St.Marys Street, Penistone.

This would cause a public nuisance and the land is not suitable for people walking on, this is why the land is fenced off and no public is allowed on the site.

The land is also very un-stable and would cause a health and safety danger to the general public.

For and on behalf of Kelham Secretaries Ltd.

A handwritten signature in black ink, consisting of a vertical line on the left, a horizontal line extending to the right, and a diagonal line crossing the horizontal one from the bottom left to the top right.

