

# Notice of Licensing Sub-Committee

Date: Wednesday, 2 July 2025 at 10.15 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



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## Membership:

Cllr A Chapmanlaw

Cllr G Farquhar

Cllr D A Flagg

## Reserves:

Cllr P Sidaway (R1)

Cllr M Howell (R2)

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All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=5871>

If you would like any further information on the items to be considered at the meeting please contact: Sinead O'Callaghan 01202 128814 Democratic Services on 01202 096660 or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

24 June 2025

**DEBATE  
NOT HATE**



Available online and  
on the Mod.gov app



## Maintaining and promoting high standards of conduct

### Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

#### Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

#### Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer  
([janie.berry@bcpcouncil.gov.uk](mailto:janie.berry@bcpcouncil.gov.uk))

### Selflessness

Councillors should act solely in terms of the public interest

### Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

### Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

### Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

### Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

### Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

### Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

# AGENDA

Items to be considered while the meeting is open to the public

- |   |         |
|---|---------|
| <b>1. Election of Chair</b><br>To elect a Chair of this meeting of the Licensing Sub-Committee.   |         |
| <b>2. Apologies</b><br>To receive any apologies for absence from Members.   |         |
| <b>3. Declarations of Interests</b><br>Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.<br>Declarations received will be reported at the meeting.  |         |
| <b>4. Protocol for Public Speaking at Licensing Hearings</b><br>The protocol for public speaking at Licensing Sub Committee hearings is included with the agenda sheet for noting.  | 5 - 10  |
| <b>5. Application to vary the Premises Licence at Chicken Cottage, 196- 198 Alma Road, Bournemouth, BH9 1AJ</b><br>The premises known as 'Chicken Cottage' has applied to vary its premises licence.<br><br>This matter is brought before the Sub-Committee for determination   | 11 - 40 |
| <b>6. Exclusion of Press and Public</b><br>In relation to the items of business appearing below, the Committee is asked to consider the following resolution: -<br><br>'That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.' |         |
| <b>7. Consideration of suitability for a new Hackney Carriage/ Private Hire Driver Applicant</b><br>To consider the suitability of a new driver applicant to become a licenced driver.<br><br>This matter is brought before the Sub-Committee for determination.  | 41 - 78 |

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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## **LICENSING COMMITTEE AND SUB COMMITTEE – PROTOCOL FOR PUBLIC SPEAKING**

### **1. Introduction**

- 1.1 This protocol for public speaking applies to Licensing Committee and Sub Committee hearings in relation to matters including the licensing of alcohol, regulated entertainment, late night refreshment, gambling, sex establishments and hackney carriage and private hire drivers, vehicles and operators, as set out in Part 3.3 of the Council's Constitution.
- 1.2 These matters are considered in accordance with relevant legislation and associated regulations including the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011), the Gambling Act 2005, Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) and the Local Government (Miscellaneous Provisions) Act 1976.

### **2. Conduct of Hearings**

- 2.1 Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, etc.
- 2.2 Chair asks everyone present to introduce themselves and state their role.
- 2.3 Chair checks that all persons who have given notice of their intention to speak and any person who wishes to withdraw a representation or wishes not to speak have been identified.
- 2.4 Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A or B of this protocol as appropriate. All parties confirm agreement or make representations on procedure proposed.
- 2.5 Licensing Officer's report is presented.
- 2.6 Parties speak in the order agreed.
- 2.7 With the exception of hackney carriage and private hire hearings, parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.

- 2.8 Members of the Licensing Committee or Sub Committee may ask questions after each party has spoken and once all parties have spoken. Parties will be allowed to ask questions through the Chair.
- 2.9 Once all parties have been heard, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
- 2.10 Members will deliberate in private with the clerk and legal representative as appropriate present.
- 2.11 The decision will be taken by the Committee and notification of the decision will be given as follows:
  - 2.11.1 For Licensing Act 2003 and Gambling Act 2005 hearings, determination must be within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the relevant Regulations, unless otherwise specified (for example, the issuing of a counter notice following objection to a TEN, in which case the determination must be at the conclusion of the hearing).
  - 2.11.2 For Sex Establishment and other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
  - 2.11.3 For Hackney Carriage and Private Hire hearings, notification of the decision will be given at the conclusion of the hearing, followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
- 2.12 Notification of the decision will include information for all parties of any right of appeal as appropriate.

### **3 General points**

- 3.1 Hearings convened under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations may be held remotely as required, if the Chairman agrees it is expedient to do so in the circumstances.
- 3.2 The hearing may be adjourned at any time at the discretion of the Members.
- 3.3 Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing.
- 3.4 The Sub Committee may decide to conduct all or part of a hearing in non-public session in accordance with the relevant Regulations and/or where exempt information is likely to be disclosed.

- 3.5 The Chair may exclude any person from a hearing for being disruptive.
- 3.6 Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- 3.7 The hearing will take the form of a discussion.
- 3.8 Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation or objection to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- 3.9 Any further information to support an application, representation, objection or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties in accordance with any relevant Regulations. Wherever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
- 3.10 If a party has informed the Authority that they do not intend to participate, or be represented at the hearing, or has failed to advise whether they intend to participate or not, the hearing may proceed in their absence.
- 3.11 For other matters which are the responsibility of the Licensing Committee and not included in this protocol, the Meeting Procedure Rules in Part 4D of the Council's Constitution in relation to public questions, statements and petitions shall apply. This includes such matters as making recommendations on relevant licensing policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 3.12 The Council's Constitution can be accessed using the following link:  
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact [democratic.services@bcpcouncil.gov.uk](mailto:democratic.services@bcpcouncil.gov.uk)

## Appendix A

### **Proposed procedure and order of speaking for hearings (other than hackney carriage and private hire hearings)**

1. The Licensing Officer presents report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant will make their Application.
4. Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first.
5. Responsible Authorities and Other Persons will make their representations.
6. Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
7. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
8. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
9. Notification of the Sub Committee's decision will be given in accordance with the requirements of the Licensing Act and Gambling Act regulations. For other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
10. The notification of decision will include information about the right of appeal as appropriate.

## Appendix B

### **Proposed procedure and order of speaking for Hackney Carriage and Private Hire hearings**

1. The Licensing Officer presents their report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant/licence holder presents their case.
4. Questions of the applicant/licence holder by all parties, Members of the Committee/Sub-Committee to go first.
5. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The Hearing will then conclude.
6. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe deliberations but will not take part in the decision making).
7. Notification of the decision will be given following deliberations at the conclusion of the hearing, to be followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
8. The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the Hearing. Information about the right of appeal as appropriate will also be included in the written decision letter.

Adopted by the Licensing Committee on 7.12.23



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## LICENSING SUB-COMMITTEE



Report subject	<b>Application to vary the Premises Licence at Chicken Cottage, 196- 198 Alma Road, Bournemouth, BH9 1AJ</b>
Meeting date	2 July 2025
Status	Public Report
Executive summary	<p>Mr Garip Ozcan made an application to vary the premises licence at Chicken Cottage.</p> <p>The application seeks to extend the licensable hours for the provision of late-night refreshment.</p> <p>The licence currently permits the provision of late-night refreshment between 23:00 and 00:30 on every day of the week. This application proposes to extend the terminal hour for the provision of late-night refreshment to 02:00 on everyday of the week.</p> <p>The Licencing authority has received 2 representations, 1 from BCP Councils' Environmental Health team and the other from a local resident.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members are asked to decide whether to:-</b></p> <p><b>a) Grant the application to vary the premises licence as made.</b></p> <p><b>b) Refuse the application for the variation of the premises licence.</b></p> <p><b>c) Grant the variation of the premises licence subject to additional conditions.</b></p> <p><b>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>The Licensing Authority has received representations from Paul Barker of BCP Councils' Environmental Health team and a local resident on the grounds that to grant the application would undermine the prevention of public nuisance licensing objective.</p> <p>The Licensing Authority may only consider aspects relevant to the</p>

	<p>application that have been raised in representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>
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Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Graham Farrant – Chief Executive
Report Authors	Ellie King – Licensing Officer
Wards	Winton East;
Classification	For Decision

## Background

1. This premises has benefitted from a premises licence permitting the provision of late-night refreshment until 00:30 on every day of the week since 24 November 2005.  
  
A copy of the existing licence is attached at Appendix 1
2. On 01 April 2025 the Licensing authority received information that the premises was operating beyond permitted hours and were therefore operating in breach of their premises licence.
3. On 02 April 2025 a Licensing Officer made contact with the licence holder to address this and advised Mr Ozcan that the premises must make application to vary the premises licence if he wished to undertake licensable activity beyond 00:30.
4. The Licensing Authority have not been able to obtain direct evidence of trading beyond 00:30, however, complaints in relation to noise from the extractor fan after 00:30 are still being received which may indicate that they are trading beyond permitted hours. I spoke to the applicant in relation to this on 08 May 2025. Mr Ozcan denied this and advised that he has been closing at 00:30.
5. An Application from Mr Garip Ozcan to vary the premises licence under Section 34 of the Licensing Act 2003 was received by the licensing authority on 09 May 2025. The application seeks to extend the terminal hour for the provision of late-night refreshment from 00:30 to 02:00 on every day of the week.

A copy of the variation application is attached at Appendix 2

A Location Plan is attached at Appendix 3

## Consultation

6. The application was served on all responsible authorities. The applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
7. The application prompted two representations, 1 from Paul Barker of BCP Councils' Environmental Health Team and 1 from 1 other person on the grounds that granting the licence would undermine the prevention of public nuisance licensing objective.

A copy of the representations is attached at Appendix 4.

## **Options Appraisal**

8. Before making a decision, Members are asked to consider the following matters: -
- The representation made by environmental health and 1 other person .
  - The relevant licensing objectives, namely the prevention of public nuisance.
  - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 (August 2023) and the Council's Statement of Licensing Policy.

## **Summary of financial implications**

9. An appeal may be made against the decision of the Sub-Committee, by the applicant or any party making representation, to the Magistrates' Court which could have a financial impact on the Council.

## **Summary of legal implications**

10. If Members decide to refuse the application or attach conditions to the licence which the applicant, or the other person who made a representation do not agree to, the applicant or such other person may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

## **Summary of human resources implications**

11. There are no human resources implications

## **Summary of sustainability impact**

12. There are no sustainability impact implications.

## **Summary of public health implications**

13. There are no public health implications.

## **Summary of equality implications**

14. There are no equality implications.

## **Summary of risk assessment**

15. There are no risk assessment implications.

## **Background papers**

### **[BCP Council – Statement of Licensing Policy**

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

### **Hearing Regulations**

<https://www.legislation.gov.uk/ukSI/2005/44/made>

### **Revised Guidance issued under Section 182 of the Licensing Act 2003 (February 2025)**

[https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_October+2024+\\_1\\_.pdf](https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+_1_.pdf)



**Appendices**

Appendix 1 - Existing Licence

Appendix 2 - Variation Application

Appendix 3 - Location Plan

Appendix 4 - Copy of representations

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## Premises Licence Part A

Premises licence number: BH085223

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
Chicken Cottage 196-198 Alma Road	
<b>Post town:</b> Bournemouth	<b>Post Code:</b> BH9 1AJ
<b>Telephone number:</b> 01202 510011	

<b>Licensable activities authorised by the licence:</b>
Late Night Refreshment

<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Late Night Refreshment</b> Monday - 23:00 to 00:30 Tuesday - 23:00 to 00:30 Wednesday - 23:00 to 00:30 Thursday - 23:00 to 00:30 Friday - 23:00 to 00:30 Saturday - 23:00 to 00:30 Sunday - 23:00 to 00:30 Provision of late-night refreshments will take place indoors and outdoors.

<b>The opening hours of the premises:</b>
Monday - 12:00 to 00:30 Tuesday - 12:00 to 00:30 Wednesday - 12:00 to 00:30 Thursday - 12:00 to 00:30 Friday - 12:00 to 00:30 Saturday - 12:00 to 00:30 Sunday - 12:00 to 00:30

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Garip Ozkan

[REDACTED]

Tel:

Email:

[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable):**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

N/A

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

N/A

## **Annex 1 – Mandatory conditions**

N/A

## **Annex 2 – Conditions consistent with the operating schedule**

### Prevention of Crime and Disorder

- 2.1 CCTV shall remain in operation on the premises.
- 2.2 The premises shall be equipped with burglar alarm system.
- 2.3 Police shall be notified and their advice shall be sought in the event of any crime and disorder.

### Public Safety

- 2.4 Fire extinguishers and other fire safety equipment on the premises shall be regularly serviced.
- 2.5 Fire escape routes shall be kept clear.
- 2.6 Staff shall be trained to handle fire safety equipment and to safely lead customers out of the premises in case of a fire.

### Prevention of Public Nuisance

- 2.7 Customers shall be asked not to congregate outside the premises.
- 2.8 Bins shall be provided and staff shall clear up any litter in the vicinity of the premises.

### Protection of Children from Harm

- 2.9 Any children seen on the premises after 23:00 shall be supervised and looked after and appropriate steps shall be taken to see they get home safely.

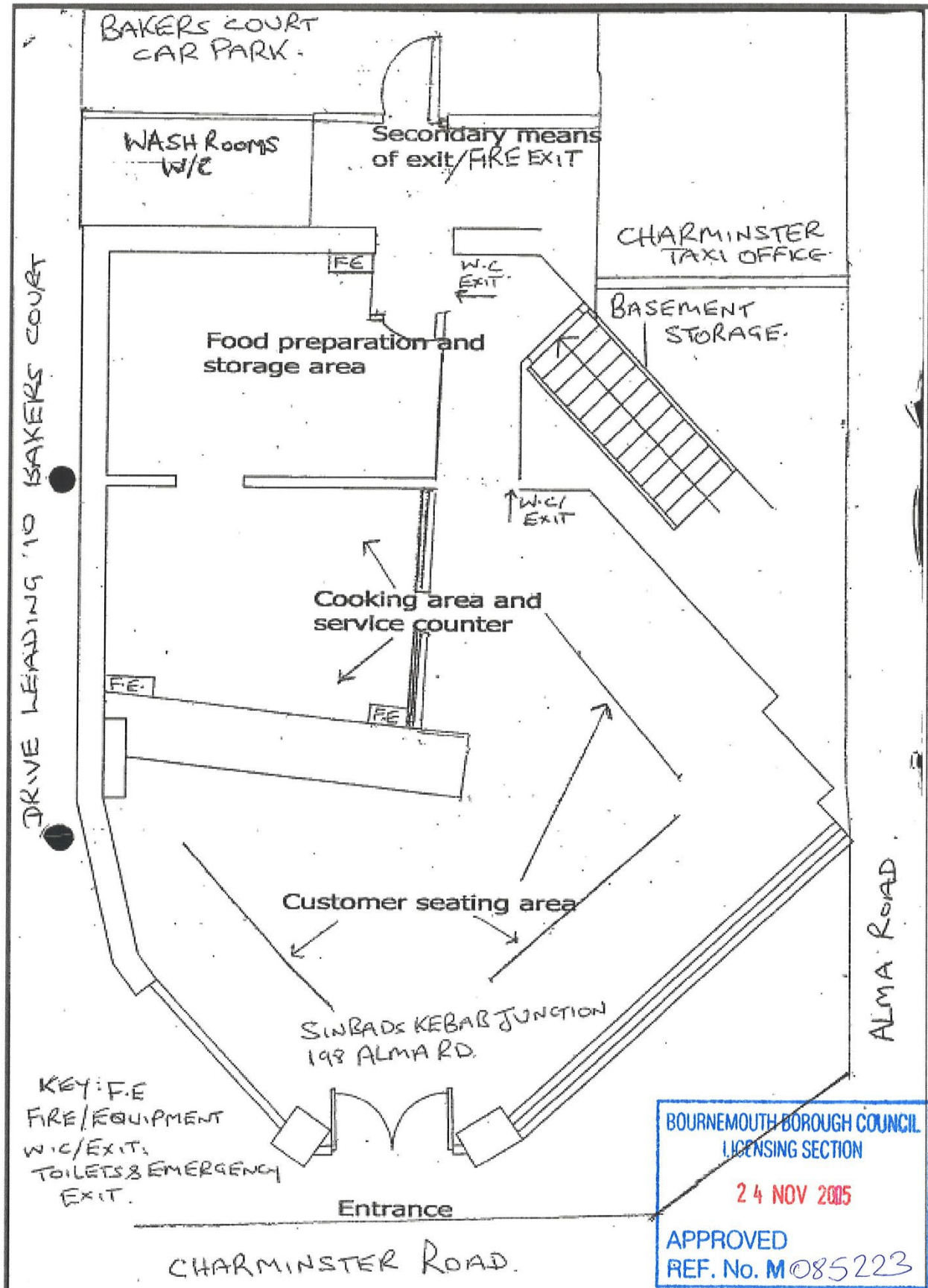
## **Annex 3 – Conditions attached after a hearing by the licensing authority**

N/A

## **Annex 4 – Plans**

This licence is issued in accordance with the plan M085223, dated 24 November 2005, as attached.





## Premises Licence Part B

Premises licence number: BH085223

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
Chicken Cottage 196-198 Alma Road	
<b>Post town:</b> Bournemouth	<b>Post Code:</b> BH9 1AJ
<b>Telephone number:</b> 01202 510011	

<b>Licensable activities authorised by the licence:</b>
Late Night Refreshment

<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Late Night Refreshment:</b> (Indoors & Outdoors) Monday to Sunday - 23:00 to 00:30

<b>The opening hours of the premises:</b>
Monday to Sunday - 12:00 to 00:30

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:</b>
N/A

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Garip Ozkan. [Redacted]
Tel: [Redacted] Email: [Redacted]

<b>Registered number of holder, for example company number, charity number (where applicable):</b>
N/A

<b>Name of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
N/A

<b>State whether access to the premises by children is restricted or prohibited:</b>
See Condition 2.9

Issued: 24 November 2005  
Revised: 27 January 2025 {transfer}

  
Mrs Nananka Randle  
Licensing Manager

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# Appendix 2

## Application to vary a premises licence under the Licensing Act 2003

### 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.

I/We GARIP OZKAN

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number BH085223

### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

CHICKEN COTTAGE  
196-198 ALMA ROAD  
BOURNEMOUTH, BH9 1AJ

Post town	<u>BOURNEMOUTH</u>	Postcode	<u>BH9 1AJ</u>
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Telephone number at premises (if any)	<u>01202 510011</u>
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Non-domestic rateable value of premises	<u>£</u>
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### Part 2 – Applicant details

Daytime contact telephone number	<u>[REDACTED]</u>		
E-mail address (optional)	<u>[REDACTED]</u>		
Current postal address if different from premises address	CHICKEN COTTAGE 196-198 ALMA ROAD		
Post town	<u>BOURNEMOUTH</u>	Postcode	<u>BH9 1AJ</u>

### Part 3 - Variation



Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☒ Yes ☐ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

2) Chicken Cottage is a fried food franchise. We offer only hot food and soft drink to our customers.

We are not offering any Alcohol in our premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### **Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- 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) performances 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 late night refreshment** (if ticking yes, fill in box I)



**Supply of alcohol** (if ticking yes, fill in box J)



**In all cases complete boxes K, L and M**



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="radio"/>
				Outdoors	<input type="radio"/>
				Both	<input type="radio"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)  NO MUSIC		
Mon	23:00 PM	2:00 AM			
Tue	23:00 PM	2:00 AM	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)  NO seasonal variations		
Wed	23:00 PM	2:00 AM			
Thur	23:00 PM	2:00 AM	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)  NO different times.		
Fri	23:00 PM	2:00 AM			
Sat	23:00 PM	2:00 AM			
Sun	23:00 PM	2:00 AM			



J N/A

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="radio"/>
				Off the premises	<input type="radio"/>
				Both	<input type="radio"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri					
Sat					
Sun					

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p> <p>N/A</p>
---



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)  No seasonal variation
Day	Start	Finish	
Mon	12:00	2:00	
	PM	AM	
Tue	12:00	2:00	
	PM	AM	
Wed	12:00	2:00	
	PM	AM	
Thur	12:00	2:00	
	PM	AM	
Fri	12:00	2:00	
	PM	AM	
Sat	12:00	2:00	
	PM	AM	
Sun	12:00	2:00	
	PM	AM	

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 7)

No different times.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

As per the current premises licence our timings are morning 12pm to night 12:30am allowed, we seeking to extend upto 2AM only. for every days



Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

N/A



**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

N/A

**b) The prevention of crime and disorder**

N/A

**c) Public safety**

N/A

**d) The prevention of public nuisance**

We are only take away and delivery  
keep allow after 1am to 2am so  
no dining no noise of gathering.

**e) The protection of children from harm**

N/A.



Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☐
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[Redacted]
Date	22/04/2025
Capacity	(Premises licence holder)

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

GARIP ORKAN  
196-198 ALMA ROAD,  
Bournemouth, BH9 1AJ

Post town	Bournemouth	Post code	BH9 1AJ
Telephone number (if any)	01202 510011		



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

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

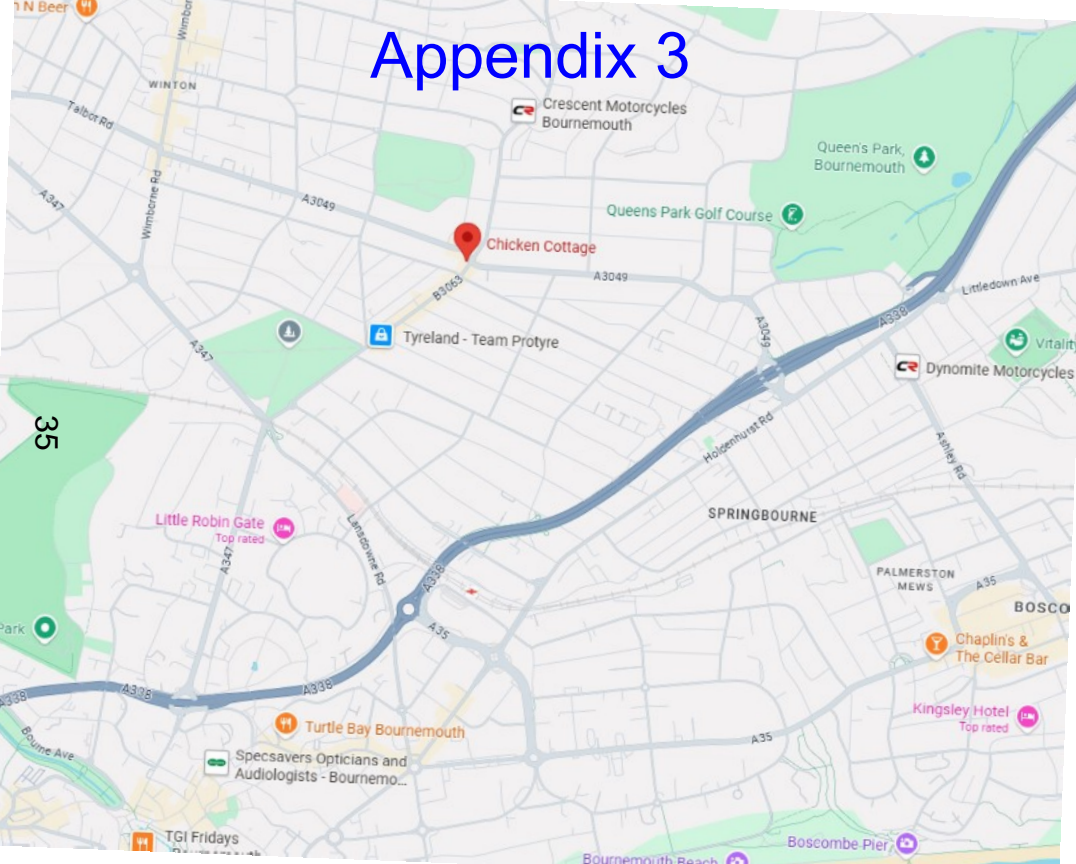


- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. 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.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.



12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

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## Appendix 4

**From:** [Paul Barker](#)  
**To:** [Ellie King](#)  
**Subject:** FV - MAU 227312 Chicken Cottage 196-198 Alma Road, Bournemouth  
**Date:** 22 May 2025 13:59:47  
**Attachments:** [Outlook-logbopgs.png](#)

---

Hi Ellie

Environmental Health formally objects to the proposed variation in late-night refreshment hours. As previously discussed, a noise abatement notice has been served on the premises due to persistent noise nuisance caused by the kitchen extraction system.

Following an inspection, an acceptable noise level was established in agreement with the applicant, alongside a designated cut-off time aligned with the current late-night refreshment hours. This arrangement was intended to allow the applicant to continue using the extraction system temporarily while implementing necessary repairs. However, recent noise monitoring has confirmed multiple instances where the agreed noise level and timings have been exceeded. Consequently, the applicant is in breach of the notice, and formal legal action is currently under consideration.

Given these circumstances, Environmental Health cannot support the application to extend late-night refreshment hours, as doing so would further exacerbate the ongoing noise disturbance affecting local residents.

Kind regards

Paul



**Paul Barker**  
**Environmental Health Officer**  
**Communities**  
T. 01202 128847  
[paul.barker@bcpcouncil.gov.uk](mailto:paul.barker@bcpcouncil.gov.uk)  
[bcpcouncil.gov.uk](http://bcpcouncil.gov.uk)



My name is [REDACTED] I live at [REDACTED] Alma rd Chorminster, I have lived here for the last 7 yrs.

I'm writing to object to the Chicken Cottage getting a late licence. As over the last year I've been in a dispute over the noise coming from their broken extractor fan the owner refuses to get fixed even though he has been instructed to by the council, I've had noise test done and he still won't get it fixed.

Over my 7 yrs here the chicken cottage was open till 2am every night even though they didn't have the proper licence even since he had to close at 12.30 he was still doing deliveries until late.

He has been nothing but problems since he took over the shop.

He has harassed me when I went into the shop to complain, the police were called and they went and spoke to him but nothing happened to him again.

He has been living in the shop, sleeping in the basement. I called the council to complain and the woman said it wasn't a problem with him living in the food shop. Since I've been having this problem he has been deliberately harassing me, leaving his fans on all night staying open till 2.30, 3.00 am having cars parked on the pavement and motorbikes revving engines until early in the morning.



NOW HE IS LEAVING HIS EXTRACTOR FAN ON ALL NIGHT RATALING AND VIBRATING MY WHOLE FLAT

HE IS ABUSIVE AND THREATENING  
HE SLEEPS IN THE BASEMENT OR A FOOD SHOP, HIS CAR IS PARKED AT THE BACK OF THE SHOP BLOCKING THE BINS, THEY PLAY MUSIC LATE AT NIGHT THEY HAVE CARS AND MOPEDS ON THE PAVEMENT ALL THROUGH THE NIGHT

HE DOESNT CLOSE UNTIL 2.30 AM 3 AM EVERY NIGHT 365 DAYS A YEAR

HE WAS TOLD BY THE COUNCIL TO FIX THE FAN LAST JULY AND FOR GOING ON 1 YEAR THE FAN IS STILL BROKE, STILL CAUSING ME STRESS AND SLEEPLESS NIGHTS FOR ONE WHOLE YEAR, HE JUST KEEPS IGNORING THE ORDER AND KEEPING IT ON ALL NIGHT JUST TO DISTURB ME

HE IS DOING EVERYTHING BUT THE RIGHT THING

WHY HAS THIS CHICKEN SHOP BEEN ALLOWD TO DO WHAT HE WANTS WITHOUT CONSEQUENCES

I HAVE PHONED THE LATE NIGHT COMPLAINTS LINE AT BOURNEMOUTH COUNCIL LOADS OF TIMES THROUGH THE NIGHT, I HAVE LOADS OF EVIDENCE OF THE DISTURBANCE OVER THE LAST YEAR

I HAVE NOT HAD A GOOD NIGHTS SLEEP IN JUST UNDER A YEAR, THIS IS CAUSING ME GREAT STRESS

I'M DESPERATE TO GET THIS GUY TO FIX HIS FAN

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## LICENSING SUB-COMMITTEE



Report subject	<b>Consideration of suitability for a new Hackney Carriage/ Private Hire Driver Applicant</b>
Meeting date	2 July 2025
Status	Public Report with Exempt Appendices
Executive summary	The Taxi Licensing Authority received a New Driver Application via our online facility. This applicant previously held a Public Carriage Licence with BCP Council, until June 2021 when this was revoked.
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p>The Licensing Sub-Committee determine whether the driver is a 'fit and proper' to hold Hackney Carriage and/or Private Hire driver licence.</p> <p>The following options are available: -</p> <ul style="list-style-type: none"> <li>a) If deemed fit and proper the application can continue</li> <li>b) If not deemed fit and proper the application will be refused.</li> </ul> <p>Members of the Licensing Sub-Committee are asked to decide at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>Section 51(1) and 59(1) of the Local Government (Miscellaneous Provisions) Act 1976, provides that a district council shall not grant a licence – unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.</p> <p>The Council's Constitution sets out the responsibility of functions to the Licensing Committee and to officers. The Licensing Committee has further delegated decisions relating to public carriage licensing matters to Licensing Sub-Committee.</p> <p>Section 7.1 of the Hackney Carriage and Private Hire Driver Policy 2021 - 2025 states anyone wishing to make an application must prove to BCP Council that they are fit and proper to be issued with such a driver's licence.</p> <p>Section 7.10 states applications will be assessed with reference to the 'Fit and Proper' criteria as set out in Chapter 8. If you are</p>

	deemed not to meet the criteria your application will be rejected
Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Graham Farrant – Chief Executive
Report Authors	Wesley Freeman- Licensing Officer
Wards	Council-wide
Classification	For Decision

## Background

1. The Licensing Team received an application for a New Public Carriage Driver's Licence via our online facility. Appendix 1
2. This applicant previously held a Public Carriage Licence with BCP Council. The licence was revoked with immediate effect on the 24 June 2021 in the interest of public safety.
3. Appendix 2 contains the report presented to the licensing sub-committee on the 24 June 2021.
4. The decision letter issued following the decision by the sub-committee dated 29 June 2021 is at Appendix 3.
5. The HM Courts & Tribunals Service advised the Council on the 2 August 2021 that the driver had appealed and forwarded the grounds of appeal. Appendix 4
6. The appeal was withdrawn in December 2021 by the driver. Appendix 5
7. We received information from Dorset Council in November 2021 that a private hire driver licence had been granted to this individual. Appendix 6.
8. The Dorset Council private hire driver licence was subsequently revoked with immediate effect for not declaring his BCP Council revocation. Appendix 7.
9. The driver was asked to make a statement to support his application and give reasons for the new driver application. This has been provided and attached as Appendix 8.

## Test of Fit and Proper Person

10. 'Fit and proper person' is a phrase that occurs in legislation but there is no judicially approved definition or test of fitness. In the absence of such a test, the Licensing Sub-Committee must look at the whole of a person's character before determining their suitability to hold a licence.
11. The BCP Council Hackney Carriage and Private Hire Driver Policy 2021-2025, Chapter 8 sets the Fit and Proper Person test and in particular at paragraphs

*8.2 Passengers are potentially vulnerable when being transported due to; their age, unaccompanied children, people with a disability, those who may have consumed excessive quantities of alcohol, lone people and overseas' visitors or tourists to the area.*

*8.3 The Licensing Authority has a duty to take a robust stance in ensuring that applicants and licence holders are and remain 'fit and proper' to hold a licence at all times.*

*8.10 In essence a 'fit and proper' person;*

- should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers.*
- should be honest, trustworthy and have integrity, as they have access to a large amount of personal information that could be misused with significant opportunity to defraud passengers in drink or under the influence of drugs, the vulnerable or overseas passengers, or to steal property left in their vehicles.*

*8.12 The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Boards, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.*

*8.13 The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct, irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in Private Hire or Hackney Carriage work at the time or whether they occurred during the driver's own personal time*

12. Members are also asked to consider the guidance within the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport which was updated in November in 2022. Paragraph 3 states:-

*The primary and overriding objective of licensing (the taxi and PHV trade) must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated.*

13. Chapter 5 sets out guidance for decision makers. Particularly paragraphs 5.4 to 5.6 state

*Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:*

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

*If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.*

*Licensing authorities have to make difficult decisions but (subject to the General principles) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given the benefit of doubt. If the committee or delegated officer is only 50/50 as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.*

14. The Institute of Licensing Suitability Guidance published in November 2024 Chapter 3 states that taxi and private hire vehicles are used regularly particularly by vulnerable groups and a taxi or private hire driver has significant power over a passenger who places themselves and their personal safety completely in the drivers' hands.

The Guidance also reminds us in Paragraph 3.31 that: -

Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and their family is not a consideration that can be taken into account.

*Leeds City Council v Hussain [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt and Cherwell District Council v Anwar [2011] EWHC 2943 (Admin), [2012] RTR 15 Admin Crt.*

15. Members should apply the requirements of the BCP Taxi and Private Hire Driver's Policy and this guidance when considering whether this applicant is a fit and proper person to hold a public carriage driver's licence

### **Options Appraisal**

16. Members are asked to consider all the information provided and then take one of the following options:
- a) If deemed fit and proper the application can continue
  - b) If not deemed fit and proper the application will be refused

### **Summary of financial implications**

17. There are no financial implications arising from this report.

### **Summary of legal implications**

18. Anyone aggrieved by a decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

### **Summary of human resources implications**

19. There are no human resources implications arising from this report.

### **Summary of sustainability impact**

20. There are no sustainability implications arising from this report.

### **Summary of public health implications**

21. There are no public health implications arising from this report.

### **Summary of equality implications**

22. There are no equality implications arising from this report.

### **Summary of risk assessment**

23. There are no risk assessment implications arising from this report.

### **Background papers**

BCP Council's Hackney Carriage and Private Hire Driver Policy (2021-2025) [Taxi-and-Private-Hire-Drivers-Policy](#)

BCP Council Hackney Carriage and Private Hire Vehicle Policy (2021-2025) [BCP-Hackney-Carriage-and-Private-Hire-Vehicle-Policy](#)

Local Government (Miscellaneous Provisions) Act 1976 [Local Government \(Miscellaneous Provisions\) Act 1976](#)

Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades [Institute of Licensing](#)

Department of Transport Statutory taxi and Private Hire Vehicle Standards July 2020 updated in November 2022 [Statutory taxi and private hire vehicle standards - GOV.UK](#)

### **Appendices**

Appendix 1- New Driver Application

Appendix 2- June 2021 Sub-Committee Report

Appendix 3- June 2021 Sub-Committee decision

Appendix 4- August 2021 Appeal Intention

Appendix 5- December 2021 Appeal Withdrawn

Appendix 6- Dorset Council Information

Appendix 7- Dorset Council Driver Revocation

Appendix 8- New Driver Application Statement

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of the Local Government Act 1972.

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