

NOTICE  
OF  
MEETING

**LICENSING & PUBLIC SPACE  
PROTECTION ORDER (PSPO) SUB  
COMMITTEE**

will meet on

**MONDAY, 28TH MARCH, 2022**

**At 10.00 am**

In the

**GREY ROOM - YORK HOUSE AND ON [RBWM YOUTUBE](#)**

TO: MEMBERS OF THE LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

COUNCILLORS MANDY BRAR, DAVID CANNON AND DAVID HILTON

Karen Shepherd – Head of Governance - Issued: 18<sup>th</sup> March 2022

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Oran Norris-Browne** Oran.Norris-Browne@RBWM.gov.uk

**Recording of Meetings** – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

## **AGENDA**

### **PART I**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
1.	<b><u>APPOINTMENT OF CHAIRMAN</u></b>  To appoint a Chairman for the duration of the meeting.	-
2.	<b><u>APOLOGIES FOR ABSENCE</u></b>  To receive any apologies for absence.	-
3.	<b><u>DECLARATIONS OF INTEREST</u></b>  To receive any declarations of interest.	3 - 4
4.	<b><u>PROCEDURES FOR SUB COMMITTEE</u></b>  To note the procedural details for the meeting.	5 - 6
5.	<b><u>CONSIDERATION OF APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003</u></b>  To consider an application for a new premises license under the Licensing Act 2003.	7 - 64

## MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

### Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

*DPIs (relating to the Member or their partner) include:*

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses*
- *Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.*
- *Any beneficial interest in land within the area of the council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
  - a) *that body has a place of business or land in the area of the council, and*
  - b) *either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

### Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

*Other Registerable Interests (relating to the Member or their partner):*

*You have an interest in any business of your authority where it relates to or is likely to affect:*

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) any body*
  - (i) exercising functions of a public nature*
  - (ii) directed to charitable purposes or*

*one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)*

### **Disclosure of Non- Registerable Interests**

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

**You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

### **Other declarations**

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.



## LICENSING SUB-COMMITTEE

### PROCEDURES

The Licensing Panel Sub-Committee to elect a Chair. The Chair will welcome all parties to the meeting, introduce the Sub-Committee Members and officers present. The hearing will then proceed as follows;

- a) The Officer Reporting (as the licensing authority) to outline the application and the decision to be taken
- b) Members to ask questions of the Officer Reporting
- c) Applicant to ask questions of the Officer Reporting
- d) The Applicant to put their case to the Sub-Committee
- e) Members to ask questions of the Applicant
- f) Other persons to make their representations
- g) Members to ask questions of other persons
- h) Applicant to ask questions of other persons
- i) Chair to ask if any parties have any further questions or anything they wish to add
- j) Applicant to briefly summarise their position
- k) Officer Reporting to sum up and restate the options for the Members of the Sub Committee
- l) Sub-Committee to retire and make their decision within 5 working days

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## REPORT TO LICENSING PANEL SUB COMMITTEE

### CONSIDERATION OF AN APPLICATION OF A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

LICENSING PANEL SUB COMMITTEE: Cllr Brar, Cllr Cannon, Cllr Hilton.

OFFICER REPORTING: Craig Hawkings

#### A) The Application – (Appendix A)

Applicant: Mehmet Kutlubay

Premises: Istanbul Kebab House, 67 Victoria Street, Windsor, SL4 1EH

A map of the area surrounding the premises is at **(Appendix B)**.

The application is to:

1. To licence a hot food takeaway restaurant.

A summary of the application is as follows:

- Late Night Refreshment  
Monday - Tuesday 23:00 – 01:40  
Wednesday - Thursday 23:00 – 03:40  
Friday-Saturday 23:00 – 04:00  
Sunday 23:00 – 03:40
- Hours premises are open  
To the public  
Monday - Tuesday 11:00 – 01:40  
Wednesday - Thursday 11:00 – 03:40  
Friday-Saturday 11:00 – 04:00  
Sunday 11:00 – 03:40

#### Seasonal Variation

- On the Sunday before each Bank Holiday, Christmas Eve and New Year's Eve, the terminal hour for late shall be extended to 04:30.

Designated Premises Supervisor (DPS): N/A

#### Background

There are two existing Premises Licences currently at the premises.

- PL000329, issued 25/12/2005
- PL107021, issued 09/02/2016.

## **B) Relevant Representations Received**

Where, as here, relevant representations have been made, the licensing authority must hold a hearing to consider them, unless agreed by the parties. The Licensing and Public Space Protection Order Sub-Committee can take steps as are appropriate for the promotion of the Licensing Objectives as relevant.

To be “relevant”, the representation has to relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives which are set out in the Licensing Act 2003.

The four licensing objectives are;

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

In this case the representations received from the responsible authorities are as follows;

a. Environmental Health:	None
b. RBFRS:	None
c. Planning Officer:	None
d. Local Safeguarding Children's Board (LSCB)	None
e. Public Health:	None
f. Trading Standards:	None
g. Thames Valley Police:	Representation
h. RBWM Licensing:	Representation

Representations received from other persons are as follows;

- Representations (**Appendix C**)
  1. Cllr S Rayner
  2. CC Stim UK Tradeco 3 Limited (ATIK)
  3. P Banham

## C) RBWM Licensing Policy

The RBWM Licensing Policy Statement 2016-21 can be found at [https://www3.rbwm.gov.uk/downloads/file/131/licensing\\_policy\\_statement\\_2016-21](https://www3.rbwm.gov.uk/downloads/file/131/licensing_policy_statement_2016-21)

The sections of the RBWM Licensing Policy relevant to this application are;

### 6.1 Framework Hours

Having considered the evidence of alcohol related crime, disorder and anti-social behavior, the number of late-night premises and, in particular, the social, practical and regulatory impacts on the morning after the night before, the Licensing Authority has adopted a Framework Hours Policy. This Framework Hours Policy will apply to new and variation applications.

The Framework Hours are:

Premises Type	Commencement Hour for Licensable Activities No earlier than:	Terminal Hour for Licensable Activities No later than:
• Off licence	• 09.00	• 23.00
• Restaurant	• 09.00	• 01.00
• Pub/bar/night club	• 10.00	• 02.00
• Takeaway	• n/a	• 02.00

(As can be seen, the licensed hours applied for in this application do not fall within RBWM framework hours for a premises.)

Framework Hours are intended to guide applicants on the Licensing Authority's expectations when preparing their Operating Schedule. However, if no relevant representations had been received, the application would have been granted by the Licensing Authority under delegated powers.

### 6.4 Wider Community Interest

The Licensing Authority considers that its licensing functions are exercised in the public interest, furthermore that the Licensing Authority is under a duty to take any steps with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

The Licensing Authority will have particular regard to those applications in close proximity to residential premises and the likely effect on the promotion of the licensing objectives in such circumstances. Subject to any relevant representations, the Licensing Authority will have particular regard to\*:

- The nature of the activities
- The character of the surrounding area

- Measures for limitation of noise emissions from the premises. These may include as appropriate; noise limitation devices, sound insulation, whether windows are to be opened, the insulation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated Hackney Carriage / Private Hire firms, notices in the premises requesting customers to respect neighbours
- Winding down periods, particularly in public houses and nightclubs etc.  
(\*Note – not all of these will be relevant to this particular application)

## 7. Promoting the Prevention of Crime and Disorder

Where relevant representations are made, the Licensing Authority will have particular regard to the following issues\* in relation to the crime and disorder objective:

- Measure to prevent bottles being carried from premises
- Use of drinks' promotions
- Measure to prevent binge drinking
- Participation in the Pub Watch Scheme
- Use of door supervisors
- Training staff in crime prevention measures
- Search procedures
- Use of close circuit television
- Lighting
- Where premises are new, designing out crime
- Quality of surveillance of premises

## 9. Promoting the Prevention of Public Nuisance

Where relevant representations are made, the Licensing Authority will have particular regard to the following issues\* in relation to the public nuisance objective:

- The disposal of waste, particularly glass
- The use and maintenance of plant, including air extraction and ventilation systems
- Litter in the vicinity of the premises
- Noise from deliveries / collections to and from the premises
- Measures to control behaviour and queues
- Whether door supervisors are able to stay at the entrance to encourage quiet departure
- The provision of Hackney Carriage / Private Hire services at the premises
- Signs on doors and on tables encouraging consideration to the neighbours

## 10. Promoting the Prevention of Children from Harm

RBWM recognizes that the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms directly associated with alcohol consumption but also wider harms such as exposure to strong language and the need to protect children from sexual exploitation.

All applicants need to demonstrate how children and young people will be safeguarded if attending the licenced premises, or how it will be ensured that they do not gain access to the premises if not appropriate. Where relevant representations are made in relation to the protection of children from harm the Licensing Authority may impose conditions restricting the access of children or excluding them altogether from licensed premises.

### Proof of Age Cards

Where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

### **D) Revised Guidance issued under section 182 of the Licensing Act 2003**

The full document is found at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

The sections of the Guidance relevant to this application are;

#### **Licensing objectives and aims**

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

## **Crime and disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in premises (see paragraph 10.10). 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.

## **Public nuisance**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.



2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Protection of Children from harm**

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly to alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access;
- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

## **Hearings**

9.38 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.

## **E) Conclusion / Summary**

The Licensing Panel Sub Committee is obliged to determine this application with a view to promoting the four licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance
- The protection of children from harm.

In making its decision, the Sub Committee is also obliged to have regard to national guidance and the Council's own Licensing Policy. Of course, the Committee must have regard to all of the representations made and the evidence that it hears.

The Sub-Committee must, having regard to the application and to the relevant representations, take such step or steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) Reject the application;
- (b) Refuse to specify a person in the licence as the premise's supervisor;  
(\*Note – not all of these will be relevant to this particular application)
- (c) Grant the application but modify the activities and/or the hours and/or the conditions of the licence;
- (d) Grant the application.

Where conditions are attached to a licence then reasons for those conditions must be given.

Reason Should;

- Refer to every relevant representation
- Start with the policy
- State the extent to which it has taken account of guidance and policy
- When deciding in accordance with policy, explain why it has not considered a departure justified
- When deciding contrary to policy, explain the basis and reason for the departure
- When refusing in whole or in part, or attaching further conditions state, both that it considered it appropriate to do so in order to promote one or more specified licencing objectives and why this was so.
- The committee may use a legal adviser in helping it to draught its reasons, but the reasons must be the committee's.

The Sub-Committee are reminded that any party to the hearing may appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of the determination.

**The Sub-Committee are asked to determine the application.**

**Financial implications:** None directly but Members should be aware that any decision of the Sub-Committee may be appealed against in the Magistrates' Court and such an appeal may involve additional costs and possible costs against the Council.

**Environmental/Sustainability Implications:** Any authorisation under the Licensing Act 2003 may give rise to environmental implications both positive and negative depending upon the application and any measures proposed to take control adverse environmental factors.

**Legal implications:** As outlined in the report.

**Equality Implications:** None.

**Risk Implications:** None.

**Community Safety Implications:** As outlined in the report.

**Background papers:**

Licensing Act 2003

Licensing Act 2003 Section 182 Statutory Guidance

Royal Borough of Windsor and Maidenhead Council Licensing Policy

**Enclosures/Appendices:**

Appendix A – Application and plans

Appendix B – Map of the area

Appendix C – Received representations

**Contact details:** Craig Hawkings - Licensing Team Leader

[Craig.Hawkings@RBWM.gov.uk](mailto:Craig.Hawkings@RBWM.gov.uk)

Mobile: 07833047887

# APPENDIX A

**Application for a premises licence to be granted  
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** Mehmet Kutlubay

*(Insert name(s) of applicant)*

**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 this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Istanbul Kebab House 67 Victoria Street			
Post town	Windsor	Postcode	SL4 1EH
Telephone number at premises (if any)		01753 622022	
Non-domestic rateable value of premises		£10,500	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *                 | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *            |                                     |                             |
| i. as a limited company                           | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                              | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or          | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                              | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                      | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body                          | <input type="checkbox"/>            | 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 in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

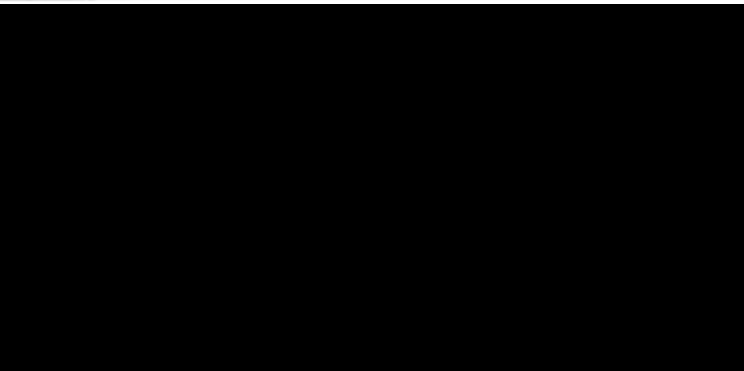
\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Kutlubay			<b>First names</b> Mehmet		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
<b>Nationality :</b> British					
Current postal address if different from premises address					
Post town					
Daytime contact telephone					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(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 other 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)



Application

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
2	3	0 2 2 0 2 2

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Licensed Premises – hot food takeaway restaurant. Please refer to the attached plans

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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**

**A**

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3) Occasional performance of a comic or other nature may be provided as part of the overall entertainment provision to patrons.		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Please refer to box J for non-standard timings.		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 3) Film and/or video shows or relays may be provided from time to time whether of a musical and/or sporting nature or otherwise and whether forming the principal entertainment offered or as ancillary to other entertainment, e.g. music and dancing.			
Tue						
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Please refer to box J for non-standard timings.			
Sat						
Sun						

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3) Such indoor sporting events as may be undertaken on the premises from time to time including, for example, pool, snooker etc.			
Day	Start	Finish				
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)			
Tue						
Wed			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Please refer to box J for non-standard timings.			
Thur						
Fri						
Sat						
Sun						

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 3)	
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 3) The applicant wishes to be able to provided both live amplified and unamplified music and singing as may from time to time compliment the range of entertainment being provided at the premises whether as the principal entertainment or in conjunction with dancing and/or any other permitted activity.	
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Please refer to box J for non-standard timings.		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3) The applicants wish to have the facility for the provision of recorded music whether as the principal entertainment provided or in conjunction with dancing or any other permitted activity.		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Please refer to box J for non-standard timings.		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3) The applicants wish to provide such performance of dance as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5) Please refer to box J for non-standard timings.		
Sat					
Sun					

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Anything of a similar description and not specified elsewhere in this application.		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3) The applicant wishes to provide such other entertainment of a like kind as may be required from time to time to compliment the range of entertainment or in conjunction with dancing or any other permitted activity		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) Please refer to box J for non-standard timings.		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p><b><u>Please give further details here</u></b> (please read guidance note 3) The applicants wish to be able to provide facilities for late night refreshment as may be required from time to time to compliment the range of activities (whether licensable or not) being provided at the premises whether as principal or in conjunction any other permitted activity</p> <p><b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)</p> <p><b><u>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</u></b> (please read guidance note 5) On the Sunday before each Bank Holiday, Christmas Eve and New Year’s Eve, the terminal hour for late night refreshment shall be extended to 04:30hrs</p>		
Mon	23:00	01:40			
Tue	23:00	01:40			
Wed	23:00	03:40			
Thur	23:00	03:40			
Fri	23:00	04:00			
Sat	23:00	04:00			
Sun	23:00	03:40			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<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 6)		
			None		

*NONE*

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	



K

**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 (please read guidance note 9).**

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 5) The premises may be open to members of the public for non-licensable activities without limit.
Day	Start	Finish	<b>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</b> (please read guidance note 6)  On the Sunday before each Bank Holiday, Christmas Eve and New Year's Eve, the terminal hour for late night refreshment shall be extended to 04:30hrs
Mon	11:00	01:40	
Tue	11:00	01:40	
Wed	11:00	03:40	
Thur	11:00	03:40	
Fri	11:00	04:00	
Sat	11:00	04:00	
Sun	11:00	03:40	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 9)

**Prevention of Crime and Disorder**

1. The licence holder or his representative to be a member of the local Pubwatch scheme.
2. Installation and operation of a CCTV system, in line with guidance provided by Thames Valley Police.
3. Two cameras inside the premises.
4. Two outside facing cameras in opposite directions along Victoria Street.
5. All recordings to be kept for a minimum of 30 days and provided to the police if required.
6. Clear and legible notices to be displayed informing customers that CCTV is in operation.
7. Installation and maintenance of a panic alarm system connected directly to the Police.
8. The licensee will report all incidences of a criminal nature that may occur on the premises to the Police.
9. At least two members of staff to be present on the premises whenever authorised licensable activity takes place.
10. All seasonal variations on the premises licence to have a minimum of Two (2) SIA door staff to be on the premises from Midnight until Close on each specific date.
11. Two (2) Security Industry Authority (SIA) licensed door supervisor wearing high visibility jackets to be present on or in the immediate vicinity of the premises on Friday and Saturday from midnight until closing.
12. Retail Radio to be used by staff members.
13. The premises licence holder (hereinafter The Licensee) shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
14. The licensee shall ensure that all material staff will undertake training in their responsibilities in relation to licensing, particularly with regard to drunkenness and anti-social behaviour. New delivery staff will be trained before commencing their duties. All established and material staff would be subject to periodic refresher training (not normally less than six monthly intervals). Records will be kept of all training, which will include the English required for the delivery service.
15. Orders for delivery service are only to be taken over the telephone.
16. A sign is to be displayed on the premises that no alcohol is sold on the premises.
17. No alcohol is to be displayed on the premises.

**Public Safety**

18. Appropriate fire safety procedures are in place and shall be maintained including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting.
19. All appliances are inspected annually.
20. All emergency exits shall be kept free from obstruction at all times.

**Prevention of Public Nuisance**

21. All customers are asked to leave quietly.
22. Clear legible notices will be displayed to remind customers to respect neighbours and leave quietly.
23. No queuing to be allowed on the public highway.
24. The applicant to provide a litter bin and to ensure all waste and litter is collected from the area outside the premises on Victoria Street.
25. Ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.
26. Trade waste agreement to be maintained at all times and all refuse generated by the premises will be dealt with appropriately and efficiently

**Protection of Children from Harm**

27. A refusal book will be kept at the premises.

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

Please refer to conditions in box a)

**c) Public safety**

Please refer to conditions in box a)

**d) The prevention of public nuisance**

Please refer to conditions in box a)

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

Please refer to conditions in box a)

**Checklist:**

**Please tick to indicate agreement**

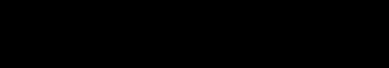
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected. [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12).  
**If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	25/01/2022
Capacity	Applicant’s Solicitor

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

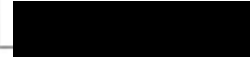
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

David Dadds

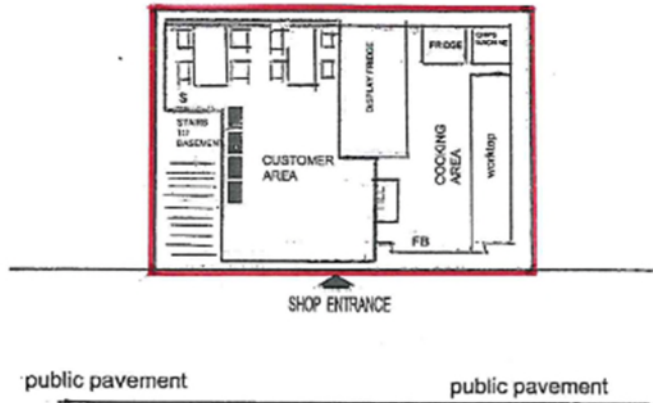


If you would prefer us to correspond with you by e-mail, your e-mail address (optional)



**LEGEND**

- WC AREA
- FRIDGES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- S SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- S 20 FIRE ESCAPE KEEP CLEAR
- CCTV
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- FB FIRE BLANKET
- FAN 60/5
- FIRE ALARM BELL
- BREAK GLASS MANUEL ALARM CALL-POINT
- FD FIRE DOOR



<b>ISTANBUL</b>	67 VICTORIA
<b>KEBAB HOUSE</b>	STREET WINDSOR
	SL4 1EH
	WINDSOR
<b>PROPOSED GROUND FLOOR</b>	
SCALE : 1/100@A4	DATE : 03/12/06
REF. NO : 03122006-01	



## **Objection to New Premises Licence Application**

**Name & Address of Objector:**

Licensing Department  
Royal Borough of Windsor & Maidenhead (RBWM)  
Town Hall  
St Ives Road  
Maidenhead, SL6 1RF

**Name & Address of Premises:**

**Applicant:**  
Istanbul Kebab House  
Kutlubay  
67 Victoria Street  
Street  
Windsor, SL4 1EH  
SL4 1EH

**Name & Address of**

Mr Mehmet  
  
67 Victoria  
  
Windsor,

**Statement of Objection:**

The present Application is for a New Premises Licence (PL). There are two existing, current, PL's (No. PL000329, issued 25/12/2005 & PL107021, issued 09/02/2016. They cover the same Premises and are in the name of the same Premises Licence Holder (PLH), Mr Mehmet Kutlubay. They are included here as Appendix 1. & Appendix 2. The material changes in the present Application are:

1. The terminal hour for Late Night Refreshment and operating hours to be extended from 01:40 to 03:40 on Wednesdays.
2. The Sale of Alcohol (PL107021) to be removed.
3. The Applicant has offered to surrender PL000329, if this is granted.

A similar Application was submitted in 2016 and attracted Objections from both Thames Valley Police (TVP) and the Royal Borough. That Application was heard at the Licensing Sub-Committee on 18th January 2016 when PL107021 was granted, with additional Conditions.

It is not clear why, on this occasion, the requested amendments are being applied for by means of a New PL, rather than a Full Variation, as the latter, if granted, would offer the same permissions.

**Incident(s) Associated with the Premises**

**RBWM LICENSED PREMISES INCIDENT REPORT – General Inspections**

Date: 11th September 2021

Reporting Officers: Lauren Deane, Licensing Enforcement Officer RBWM & Giuseppe Bruzzese, Assistant Licensing Enforcement Officer RBWM.

00:16 – Officer spoke to CELAL. There was only one SIA security guard on duty. CELAL stated the other guard was running late as he was held up at No. 5 cocktail bar and should be at Istanbul

Cont'd.../

Page 2.

Kebab within 10-15 minutes. SIA Guard and CELAL seemed confused about the Premises Licence Conditions.

The security guard asked for an explanation of what we were doing and why we were asking questions (he was curious but not rude). SIA Guard did not seem to understand the situation, the purpose of a Premises Licence and its Conditions. The Licence Holder seemed to believe that they only needed two security guards on duty from 01:00. The premises was very quiet. 01:22 – Officers returned to Istanbul Kebab House. They had two SIA security guards on duty. We spoke to CELAL who explained we had previously spoke to his cousin whose name is MEHMET.

### **PACE Interview under Caution**

#### **Exhibit DM01**

Letter dated September 2021 from RBWM inviting the PLH to be interviewed under PACE rules.

#### **Exhibit DM02**

Transcript/recording of PACE interview.

The investigation around the findings of the Premises Inspection of 11th September 2021, is still ongoing.

Amongst the many Incidents recorded by TVP, we would draw the Panel's particular attention to that recorded by them on Friday 26th April 2019 at 01:00 hours. It relates to a previous breach of Condition 11, when only one door staff was present at the time of inspection. The same breach that forms the basis of the Royal Borough's Objection on this occasion.

### **Reasons that justify the RBWM Objection:**

Condition 11. of PL107021 states; "Two (2) Security Industry Authority (SIA) licensed door supervisors, wearing high visibility jackets, to be present on or in the immediate vicinity of the Premises on Friday and Saturday from midnight until closing."

Reference is also made here to TVP report of 01/02/2020, as it includes mention of a further breach of Condition 11. At an interview on 7th February 2021, Mr Kutlubay stated that the doorman had arrived 5 minutes late and wouldn't wear his high viz jacket.

#### **1. The Prevention of Crime and Disorder:**

Breaches of Premises Licence Condition 11. is an offence under the Licensing Act, 2003 and compromises the ability of Premises staff to prevent crime and disorder, at or near the Premises.

#### **2. Public Safety:**



Absence of prescribed S.I.A. security staff increases risks to the public, at or near the Premises.

3. The Prevention of Public Nuisance:

Absence of prescribed S.I.A. security staff jeopardises the ability of Premises staff to prevent public nuisance, emanating from the Premises.

Cont'd.../

Page 3.

The PLH has, repeatedly, been found unable to comply with the terms of his PL; in particular, Condition 11. Furthermore, his management in terms of delegating responsibilities during his absence from the Premises, has been found to be inadequate.

**Recommendation of RBWM Licensing Department:**

RBWM recommends that

- 1) the Application to extend the terminal hour from 01:40 to 03:40 on Wednesdays should be refused and
- 2) the terminal hours on Thursday to Sunday should be reduced to 01:40.

Appendix 1. PL000329

Appendix 2. PL107021

Signed:   
Licensing Enforcement Officer  
Royal Borough of Windsor & Maidenhead

# Exhibit DM01

Sarah Conquest  
Licensing Enforcement Officer  
Email address [sarah.conquest@rbwm.gov.uk](mailto:sarah.conquest@rbwm.gov.uk)  
Phone number [REDACTED]



September 2021

Mr Mehmet Kutlubay  
67 Victoria Street,  
Windsor,  
SL4 1EH

Dear Mr Mehmet Kutlubay

**Subject: Formal meeting request**

We are investigating a potential breach of premises licence following a routine inspection at Istanbul Kebab, Victoria Street, Windsor on Saturday 11<sup>th</sup> September at 00:15 hours. This would involve offences contrary to Section 136 (1) (a) of the Licensing Act 2003. Therefore, we require a formal meeting with you, as the Designated Premises Supervisor.

A room has been booked at:

The Town Hall, St Ives Road, Maidenhead, Berkshire, SL6 1RF on:

**Monday 27<sup>th</sup> September 2021 at 12 p.m.**

This will be a formal interview held under the conditions of the Police and Criminal Evidence Act 1984. You are of course entitled to bring legal representation to this interview, but this will be at your own expense. We recommend you seek independent legal advice.

In the meantime, we strongly advise you cease any actions which are contrary to the Licensing Act 2005.

A copy of the licensing Enforcement and Prosecution Policy can be found on the RBWM website [www.rbwm.gov.uk](http://www.rbwm.gov.uk)

Please telephone Sarah Conquest on the above contact number to confirm your attendance, alternatively please email [sarah.conquest@rbwm.gov.uk](mailto:sarah.conquest@rbwm.gov.uk).

On arrival please go to the main reception and ask for Ms Sarah Conquest, RBWM Licensing Enforcement Officer.

Yours sincerely

Licensing Enforcement Officer

Cc Debie Pearmain, Police Licensing Officer.

# Exhibit DM02

PREMISES – Istanbul Kebab, 67 Victoria Street, Windsor, SL4 1EH

PACE INTERVIEW – 27th of September 2021

CH – Craig Hawkings - Licensing Team Leader

SC – Sarah Conquest – Licensing Enforcement Officer

MK – Mehmet Kutlubay – Licensee

CH-

The date is the 27th of September 2021 and the time on one o'clock is 11:55 this interview is taking place at the town hall St Ives Road in Maidenhead. My name is Craig Hawkings, and I am employed as licencing team leader here by the royal borough can you please tell me your full name date of birth and home address

MK - my name is his Mehmet KUTLUBAY and date of birth [REDACTED]

CH - thank you this is my colleague Sarah Conquest and present in the room is Mr KUTLUBAY what capacity are you here today? Manager, so is it as a friend just supporting it yet so you run present at this interviews an observer and to offer morale and support, here you may not offer any legal advice disrupt the interview or answer any questions on your behalf, okay? No problems

CH - you understand that so apart from the four of us, do you agree that there's no other persons present? No

CH - OK perfect can you confirm that the discs were unsealed in your presence, and we opened these? yeah

CH - At the end of the interview I will give you a notice of how if you wish you can obtain copies, we've got 3/3 copies one will be the master and then you can apply for a copy if you wish

There is CCTV operating in this room it doesn't record any sound and it does not form any part of the investigation is purely for health and safety purposes just to make you aware. I have a form to give you now so this is the notice of your rights at the end of the interview I will ask you to sign we've got two copies here to sign them and give us a copy back, can you please read those

Happy with those. Yes

Sign that one as well for me that one as well show me.

So, if you could just keep that notice out and look at point three for me. I will be issuing the caution now, okay? Yes.

You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court, anything you do say may be used in evidence.

Do you understand the caution? Yes

Is there any part so you don't have to answer any questions today you know sure right if you have an explanation but you don't give it today at court may wonder why you didn't disclose or answer any questions I wonder why you haven't taken this opportunity to give your side of the story per say anything you do say from this point on which will be relayed to the courts, so that's what that means. You're not under arrest and you are free to leave at any time. you are free to obtain legal advice, have you done so? Have you obtained legal advice? No

CH - Is there any reason why? No

CH - At any point during the interview you decide you do want to go and seek legal advice we can suspend the interview while she can do that there are services out there that do offer free consultations for 30 minutes free and stuff like citizen's advice. just to confirm that you still feel well enough to carry on with you and I am hoping in front of you that there are two codes of practise these are the codes of practise C & E.

CH - I will hand you over to Sarah.

SC - so the reason question interview today to further yes regarding a possible breach which premises licence Istanbul kebabs on Saturday the 11th of September 2021 this will be contrary to section 136(1a) of the licencing act 2003 OK do you don't you understand? Yes

just to start with just a few general questions alright , Mr KUTLUBAY, you are the licence holder and DPS of Istanbul kebabs Victoria Road Windsor is this correct? Yes

what if I can ask what is your day-to-day involvement in the business? what do you generally do?

MK - owner of the business. family run business last 20 years.

SC - are you there most days when it's open? here mainly from Thursday to Sunday I'm there and from when you open to when you close is that right? opening closing time yes. yeah so, you're generally run the business. because we've got another two restaurants, the mezze grill.

Istanbul kebab has premises licence issued to it, which is licence number PL 107021, What that sound correct to you? Yes

And roughly how long have the premises had a premises licence? can you remember? yeah on the premises 2006, 2007 something like that. So, it is fair to say that it's been a long time you've had a premises licence? yes

So, for the benefit of the tape, I am just going to show Mr KUTLUBAY a copy off the premises Licence. This is exhibit number CH/27-09-21/01 Mr KUTLUBAY can you confirm that is your premises licence as far as your aware? Yes

I am just going to bring your attention condition 11 on the licence, I've highlighted it for your benefit okay. could you just have look at that and just confirm that condition is on your licence? That's Correct.

So, on the 11th of September at midnight 16 hours so that's 0016 hours two licencing colleagues Lauren Deane and Giuseppe attended the premises or a routine inspection at this time only one SIA doorman was present at the venue can you explain why that was?

MK - Yeah actually my shop is being closed two years now. When Attic open because the old before we supply for two SIA door staff couldn't find them could they work with me seven

years the same two person, my shop is closed two years, I was working summer and then I meet new manager from Attic for door staff, he said I explained how much should a copy of my licence I look at midnight and it is Friday Saturday and it from midnight until 4.30 in the morning. 2 SIA door staff the same door stop from the Atik as well the same company

Friday, I called him about 9:00 o'clock Friday night and I said them can you confirm that attending 12:00 o'clock he said I couldn't find it because this short staff and then many times I have to contact somebody else. The one of them arrived 5 to 12. The other gentleman was working with me was number 5 St Leonards Road. and he said to me you will be able to come at 00:45 and then we did that time and what shop open business was operating fine but this time is because it was close two years, and I couldn't find the properly like used to be regular door staff. now everything is done even this Friday and one of them attend twelve o'clock one of them attended 00:15 I closed the shop until the 2-door staff come, because of issue happening/ traffic. It's no excuse for it. Because it's the issue only happens Sarah.

I've been there more than 13 years, the doors staff, 2 years ago was closed and then the Atik the manager I'm setting is happy to work together because it's 2 companies I'm for Atik and my shop 2 SIA door staff from St company is more benefit from the same company you know. they come back up each other that's why I was confident but Friday night 9:00 o'clock he confirmed with me said I couldn't find this because the short staff then I have to look up a personal Find different door staff

SC- so that was why on the 11 September? how long did it take for the second doorman to arrive ?

MK - Arriving I'm not sure 00:35 or 00:45

SC – 00:35 or 00:45? And what did you do in the meantime? Between the officers attending and the doorman arriving? Did you continue to trade? I wasn't there at the time

MK - It was a new door employer, I called them to not serve anybody they weren't rang me on the point that said there's only one door staff hear and the second one I said this that they said no I said don't serve them, but they leave the door open they didn't close the door.

SC – They didn't close the door? Yeah

MK – But they didn't serve the customer.

SC – But no customers were served?

MK - No as far as I am aware they didn't serve any food to customers until second door staff arrived.

SC- Mr KUTLUBAY what I am going to do know for the benefit of the tape. I'm going to read from Gen 40 so this is a report from Thames Valley Police from the 27th of April 2019 you get number Ch/ 27-09-21/03 this is from a report from officers who attended Istanbul kebabs at after midnight as at 00:55 hours on the 27th of April 2019 the officers were made aware that Istanbul kebabs licence states that after midnight the premises required two door staff from midnight 00:55 there was only one doorman present at the premises a police officer PC PS baffle enter the premises and stated that it had been observed that there was only one member of door staff present the shop closed internal until door staff had been located do you remember that incident? No

SC- It maybe that you were not at the premises at the time.

For the benefit of the tape going to read from a meeting that yourself Debie Pearmain Police licencing officer and Steve Smith the RBWM Licencing Officer do you remember that? Yes

so exhibit number Ch/27-09-21/04, this is from a meeting at 11:00 AM on the 24th of May 2019 at Windsor police station and the meeting was arranged to discuss the gen 40 from the 27 April which relates to issue with staff members downloading CCTV and the lack of door staff okay? at that point you were informed about the report of anyone doorman until 00:55 and at that point Steve Smith the RBWM licencing officer cautioned you for an offence okay do you remember? That would have been 2019.

SC - what I'm trying to suggest here is Mr KUTLUBAY is this happened previously and at that point when it happened you were made aware that only have a one doorman on is an offence in the licencing act. I appreciate the issues and also the premises had been closed for two years I do understand that I last appreciate your explanation, but it's been difficult to get doorman to attend.

what I have to make you aware though is that even with issues it is still an offence under the licencing act 2003 to failed comply with your licence, Do you understand what I am saying? I understand

We've also previously cautioned you for offences previously OK the same condition not being adhered to, OK? do you understand? I understand

You're fully aware of conditions, aren't you? yes, I am

SC - And you are fully aware of that condition that two doormen after midnight

MK- On Friday and Saturday, Yes

SC - is that you cannot maintain and if you cannot comply with those conditions, you have you will know it is a business decision but the only thing that you can do at that point is if you do not have any both doors stuff at midnight as you have been doing is to close the shop.

MK - this weekend gone one of my door staff arrive like 5/10 minutes before 00:00 and one of them didn't arrive until 00:15 straight away I close the door not operating, I told my staff sometimes physically I'm not there coming in restaurant because now is regular door staff regular staff inside. now because people didn't, they didn't realise but I'm sorry I apologise for that, and it wouldn't happen again 100% make sure stop even one minute after midnight they could not to door staff closed the door.

Because even sometimes the inside then not serving but they leave the door open an even the police or the licencing officer when they see past and not see the door staff. They think we are serving the customers because door is open but not serving customers, I've told them closed door turn the sign that says close.

SC – Further discussions around keeping the door closed or not during hot summer months or some sort of barrier to deter customers from trying to enter when closed until door staff arrive.

CH – Who is the manager from Atik you deal with Adam & Brian?

Caution issued again to MK



# DM APPENDIX 1

Licensing Act 2003  
**Premises Licence**

**PL000329**

**LOCAL AUTHORITY**

**The Royal Borough of Windsor & Maidenhead**  
Town Hall  
St Ives Road  
Maidenhead  
SL6 1RF

tel: 01628 683840  
web: www.rbwm.gov.uk

www.rbwm.gov.uk



Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**Istanbul Kebab House**

67 Victoria Street, Windsor, SL4 1EH.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- provision of late night refreshment

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors & Outdoors)	Monday to Wednesday	11:00pm	1:40am
	Thursday	11:00pm	3:40am
	Friday and Saturday	11:00pm	4:00am
	Sunday	11:00pm	3:40am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday	11:00am	1:40am
Tuesday	11:00am	1:40am
Wednesday	11:00am	1:40am
Thursday	11:00am	3:40am
Saturday	11:00am	4:00am
Friday	11:00am	4:00am
Sunday	11:00am	3:40am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**



Licensing Act 2003

# Premises Licence

**PL000329**

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mehmet Kutlubay

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



**ANNEXES**

**ANNEX 1 - Mandatory Conditions**

- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority (SIA).

**ANNEX 2 - Conditions consistent with the Operating Schedule**

**General**

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times

In preparation for this application, regard has been given to the Statement of Licensing Policy, the 182 Guidance and the Licensing Act 2003

We will continue to promote licensing objectives with the conditions already on our licence

To add agreed Police Conditions to enhance the security of the premises to in line with Crime and Disorder Objective

**Prevention of Crime and Disorder**

Digital CCTV monitoring system to be installed and maintained. Recordings will be kept securely for a minimum of 31 days and shall be made available to the Police on request

Clear and legible notices to be displayed informing customers that CCTV is in operation

Installation and maintenance of a panic alarm system connected directly to the Police

The licensee will report all incidences of a criminal nature that may occur on the premises to the Police

No less than two members of staff will be present on the premises between the hours of 23:00 and the terminal hour

Agreed Police Conditions to be added to the existing Premises Licence conditions

1. All seasonal variations on the premises licence to have a minimum of Two (2) SIA door staff to be on the premises from Midnight until Close on each specific date
2. From 20th December each year until 1st January each year inclusive, a minimum of Two (2) SIA door staff to be on the premises from 11pm until Close
3. Retail Radio to be used by staff members

**Public Safety**

Appropriate fire safety procedures are in place and shall be maintained including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting. All appliances are inspected annually

All emergency exits shall be kept free from obstruction at all times

**Prevention of Public Nuisance**

All customers are asked to leave quietly

Clear legible notices will be displayed to remind customers to respect neighbours and leave quietly

Ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties

Trade waste agreement to be maintained at all times and all refuse generated by the premises will be dealt with appropriately and efficiently

**Protection of Children from Harm**

N/A

**ANNEX 3 - Conditions attached after a Hearing by the Licensing Authority**

**Licensing Panel Hearing decision**

CONSENT ORDER ISSUED BY EAST BERKSHIRE MAGISTRATES COURT DATED 25TH MAY 2007.

1. It is agreed by all parties that the appeal shall be allowed in the following terms:

2. Subject to the following conditions:

- i) The licence holder or his representative to be a member of the local Pubwatch scheme
- ii) Clear and legible notices to be displayed informing customers that CCTV is in operation





**ANNEXES continued ...**

iii) At least two members of staff to be present on the premises whenever authorised licensable activity takes place

PREVIOUS CONDITIONS 2 - AND 3 -sub conditions (2)(4)(5)(6)(7)(8) REMOVED AS A RESULT OF VARIATION 2 WHICH SUPERCEDES THE ABOVE

Application permitted, subject to the following conditions:

1. Installation and operation of a CCTV system, in line with guidance provided by Thames Valley Police.

Two cameras inside the premises;

Two outside facing in opposite directions along Victoria Street.

All tapes to be kept for a minimum of 30 days and provided to the police if required

2.. Signs to be displayed requesting customers leave the premises quietly

3. No queuing to be allowed on the public highway

4. The applicant to become a member of the local Pubwatch scheme

Following informative to be added:

1. The applicant to provide a litterbin and to ensure all waste and litter is collected from the area outside the premises on Victoria Street.

THE FOLLOWING CONDITIONS HAVE BEEN REMOVED AS A RESULT OF THE 3RD VARIATION AGREED AT LICENSING PANEL HEARING ON 5TH FEBRUARY 2008, WHICH SUPERCEDES THIS DECISION

OLD CONDITION 2 - (S.I.A.) DOOR PERSONS REQUIREMENT (DATED 14TH FEBRUARY 2007)

BOTH CONDITIONS 1 & 2 (S.I.A.) DOOR PERSONS REQUIREMENT (DATED 18TH APRIL 2007)

Agreed Police Conditions (as agreed on 3rd variation application at Licensing Panel Hearing 5th February 2008)

1. - One (1) Security Industry Authority (S.I.A.) licensed door supervisor wearing a high visibility jacket to be present on or in the immediate vicinity of the premises on Thursday and Sunday from Midnight until closing

2. - Two (2) Security Industry Authority (S.I.A.) licensed door supervisor wearing high visibility jackets to be present on or in the immediate vicinity of the premises on Friday and Saturday from midnight until closing

THESE CONDITIONS SUPERCEDE ANY PREVIOUS S.I.A. DOOR PERSONS REQUIREMENTS

**ANNEX 4 - PLANS**

See attached plans:



**David V Scott**  
**Head of Communities**



## LOCAL AUTHORITY

**The Royal Borough of Windsor & Maidenhead**

Town Hall  
St Ives Road  
Maidenhead  
SL6 1RF

tel: 01628 683840  
web: www.rbwm.gov.uk

www.rbwm.gov.uk



Royal Borough  
of Windsor &  
Maidenhead

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Istanbul Kebab House**

67 Victoria Street, Windsor, SL4 1EH.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors & Outdoors)	Monday to Wednesday	11:00pm	1:40am
	Thursday	11:00pm	3:40am
	Friday and Saturday	11:00pm	4:00am
	Sunday	11:00pm	3:40am

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday	11:00am	1:40am
Tuesday	11:00am	1:40am
Wednesday	11:00am	1:40am
Thursday	11:00am	3:40am
Saturday	11:00am	4:00am
Friday	11:00am	4:00am
Sunday	11:00am	3:40am

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mehmet Kutlubay

## REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

## STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No prohibition or restriction on access to the premises by children





**David V Scott**  
Head of Communities



# DM APPENDIX 2



Licensing Act 2003  
**Premises Licence**

**PL107021**

**LOCAL AUTHORITY**

**The Royal Borough of Windsor & Maidenhead**  
Town Hall  
St Ives Road  
Maidenhead  
SL6 1RF

tel: 01628 683840  
web: www.rbwm.gov.uk

www.rbwm.gov.uk



Royal Borough  
of Windsor &  
Maidenhead

Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**Istanbul Kebab House**

67 Victoria Street, Windsor, SL4 1EH.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- provision of late night refreshment
- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Monday to Wednesday	11:00pm	1:40am
	Thursday	11:00pm	3:40am
	Friday and Saturday	11:00pm	4:30am
	Sunday	11:00pm	3:40am
	Non Standard Timings: On the Sunday before each Bank Holiday, Christmas Eve and New Year's Eve, the terminal hour for late night refreshment shall be extended to 04:30hrs.		
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	11:00am	1:00am
	For home delivery only		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Wednesday	11:00am	1:40am
Thursday	11:00am	3:40am
Friday and Saturday	11:00am	4:30am
Sunday	11:00am	3:40am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption OFF the premises only



Licensing Act 2003  
**Premises Licence**

**PL107021**

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Mehmet Kutlubay  
[REDACTED]

67 Victoria Street, Windsor, SL4 1EH.  
Telephone 01753 622022

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL**

Mehmet KUTLUBAY  
[REDACTED]

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL**

Licence No. LP7000338

Issued by Reading



ANNEXES

ANNEX 1 - Mandatory Conditions

- No supply of alcohol may be made under the premises licence:
  - i. at a time when there is no designated premises supervisor in respect of the premises licence, or
  - ii. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy  
(3) The 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 either -
  - a. a holographic mark, or
  - b. an ultraviolet feature.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2) For the purpose of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- i) P is the permitted price.
  - ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged in relation to the alcohol as if the duty were charged on the date for the sale or supply of the alcohol and
  - iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.
- (c) "relevant person" means, in relation to the premises in respect of which there is in force a premises licence -
- i) the holder of the premises licence.
  - ii) the designated premises supervisor.
  - iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

- 3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.





**ANNEXES continued ...**

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a charge to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority (SIA).

**ANNEX 2 - Conditions consistent with the Operating Schedule**

**General**

See Annex 3

**Prevention of Crime and Disorder**

See Annex 3

**Public Safety**

See Annex 3

**Prevention of Public Nuisance**

See Annex 3

**Protection of Children from Harm**

See Annex 3

**Annex 3 - Conditions attached after a Hearing by the Licensing Authority**

**General**

**Prevention of Crime and Disorder**

1. The licence holder or his representative to be a member of the local Pubwatch scheme.
2. Installation and operation of a CCTV system, in line with guidance provided by Thames Valley Police.
3. Two cameras inside the premises.
4. Two outside facing cameras in opposite directions along Victoria Street.
5. All tapes to be kept for a minimum of 30 days and provided to the police if required.
6. Clear and legible notices to be displayed informing customers that CCTV is in operation.
7. Installation and maintenance of a panic alarm system connected directly to the Police.
8. The licensee will report all incidences of a criminal nature that may occur on the premises to the Police.
9. At least two members of staff to be present on the premises whenever authorised licensable activity takes place.
10. All seasonal variations on the premises licence to have a minimum of Two (2) SIA door staff to be on the premises from Midnight until Close on each specific date.
11. Two (2) Security Industry Authority (SIA) licensed door supervisor wearing high visibility jackets to be present on or in the immediate vicinity of the premises on Friday and Saturday from midnight until closing.
12. Retail Radio to be used by staff members.
13. The premises licence holder (hereinafter The Licensee) shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
14. Except for the delivery service, no alcoholic drinks shall be sold or supplied for consumption off the premises.
15. The licensee shall ensure that all material staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. New delivery staff will be trained before commencing their duties. All established and material staff would be subject to periodic refresher training (not normally less than six monthly intervals). Records will be kept of all training, which will include the English required for the delivery service.
16. Orders for delivery service are only to be taken over the telephone.
17. Alcohol can only be delivered with a food order.
18. The sale and supply of alcohol shall be ancillary to food.
19. The sale and supply of alcohol shall be made to a person occupying a dwelling house.
20. A sign is to be displayed on the premises that no alcohol is sold on the premises.
21. No alcohol is to be displayed on the premises.
22. Only beer and lager up to 6.5% and only non-fortified wines to be sold.



**ANNEXES continued ...**

**Public Safety**

- 23. Appropriate fire safety procedures are in place and shall be maintained including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting.
- 24. All appliances are inspected annually.
- 25. All emergency exits shall be kept free from obstruction at all times.

**Prevention of Public Nuisance**

- 26. All customers are asked to leave quietly.
- 27. Clear legible notices will be displayed to remind customers to respect neighbours and leave quietly.
- 28. No queuing to be allowed on the public highway.
- 29. The applicant to provide a litter bin and to ensure all waste and litter is collected from the area outside the premises on Victoria Street.
- 30. Ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.
- 31. Trade waste agreement to be maintained at all times and all refuse generated by the premises will be dealt with appropriately and efficiently.

**Protection of Children from Harm**

- 32. A suitably worded public notice of sufficient size and clarity must be written on all menus of the business where alcohol is to be offered for sale, advising customers that they may be asked to produce evidence of their age and card details.
- 33. A refusal book will be kept at the premises.
- 34. The delivery driver will check details of the person ordering and receiving to ensure that they are both over 18 and the owner of the credit card.

**ANNEX 4 - Plans**

See attached plans



**David V Scott**  
**Head of Communities**



## LOCAL AUTHORITY

**The Royal Borough of Windsor & Maidenhead**

Town Hall  
St Ives Road  
Maidenhead  
SL6 1RF

tel: 01628 683840  
web: www.rbwm.gov.uk

www.rbwm.gov.uk



## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Istanbul Kebab House**

67 Victoria Street, Windsor, SL4 1EH.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

## THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Monday to Wednesday	11:00pm	1:40am
	Thursday	11:00pm	3:40am
	Friday and Saturday	11:00pm	4:30am
	Sunday	11:00pm	3:40am
	Non Standard Timings: On the Sunday before each Bank Holiday, Christmas Eve and New Year's Eve, the terminal hour for late night refreshment shall be extended to 04:30hrs.		
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	11:00am	1:00am
	For home delivery only		

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	11:00am	1:40am
Thursday	11:00am	3:40am
Friday and Saturday	11:00am	4:30am
Sunday	11:00am	3:40am

## WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mehmet Kutlubay





Licensing Act 2003

# Premises Licence Summary

**PL107021**

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

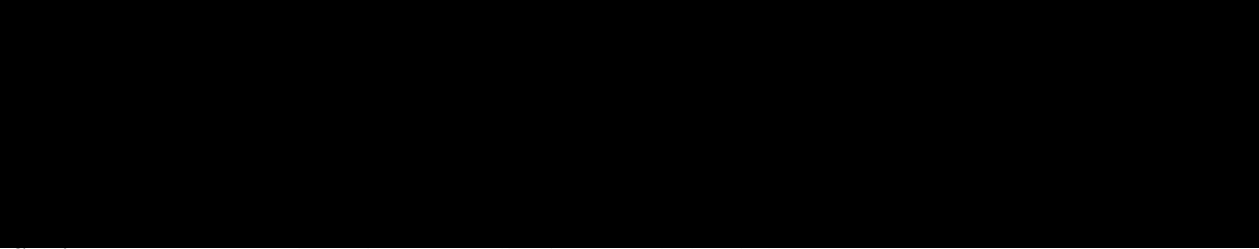
Mehmet KUTLUBAY

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



  
David V Scott  
Head of Communities





**Subject:** Re: New Premises Licence Application: Istanbul Kebab House

Dear Desmond,

Thank you.

The prevention of crime and disorder - it encourages late night crime.

- Public safety- from the above. There is frequently issues around this part of Windsor.
- The prevention of public nuisance; the litter that is left is a nuisance and much complained about .

I list the reasons above.

Kind regards,

Samantha

Cllr Samantha Rayner

Eton and Castle Ward; Deputy Leader of The Royal Borough of Windsor and Maidenhead; Cabinet Member for Corporate & Resident Services, Culture & Heritage, Windsor and RBWM Armed Forces Champion

Please used the attached photos of evidence of kebab shop litter being strewn about the streets.

Regards





The police are aware -Mike Darrah and Catherine Griffiths of the anti social behaviour.

Kind regards,

Samantha

CLr Samantha Rayner

Eton and Castle Ward; Deputy Leader of The Royal Borough of Windsor and Maidenhead; Cabinet Member for Corporate & Resident Services, Culture & Heritage, Windsor and RBWM Armed Forces Champion

The Licensing Section  
Royal Borough of Windsor and Maidenhead  
Town Hall  
St Ives Road  
Maidenhead  
SL6 1RF

Date: 23 February 2022  
Our ref: JS/SD/P56985-52  
Doc Ref: 2148248198

Your ref:

E-mail:

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[Craig.Hawkings@RBWM.gov.uk](mailto:Craig.Hawkings@RBWM.gov.uk); [Licensing@RBWM.gov.uk](mailto:Licensing@RBWM.gov.uk)

Dear Sirs,

**Objection made to Premises Licence - Istanbul Kebab House, 67 Victoria Street, Windsor, SL4 1EH**

We act on behalf of CC Stim UK Tradeco 3 Limited, the Premises Licence Holder for ATIK, 19 William Street, Windsor, SL4 1BB, and are objecting to the application for a new Premises Licence by Mehmet Kutlubay for late night refreshment at Istanbul Kebab House, 67 Victoria Street, Windsor, SL4 1EH for the following hours:

- Monday and Tuesday to 01:40 the following day
- Wednesday, Thursday and Sunday to 03:40 the following day
- Friday and Saturday to 04:30 the following day

and to the extended hours sought for licensable activities (we assume late night refreshment) on notable days.

We understand that these premises already have a Premises Licence permitting the provision of late night refreshment to 01:40 Monday to Wednesday, 03:40 Thursday and Sunday, and 04:00 Friday and Saturday.

The new Premises Licence, if granted, would mean that the hours for late night refreshment would be extended on a Wednesday from 01:40 to 03:40 and on Fridays and Saturdays from 04:00 to 04:30.

Whilst the applicant will argue there is already a Premises Licence in place, since this is a new application, then the entirety of the hours are open for consideration by the Licensing Committee.

Our client's objection is based upon the licensing objectives of crime and disorder and public nuisance.

- Our client's premises, ATIK, which trade on William Street, Windsor, SL4 1BB, is permitted to provide licensable activities until 03:00, 7 days per week, closing at 03:30.
- Customers from ATIK and other late night premises in Windsor, go to Istanbul Kebab House at the end of the evening.
- Our client operates a comprehensive dispersal policy, which includes door staff supervising customers whilst they walk up to Victoria Street from ATIK. Door staff are then positioned at particular points on Victoria Street.
- Our client's door staff have, on occasions, had to intervene with incidents which happen both inside and outside Istanbul Kebab House.
- The current licensing condition requiring two SIA licensed door supervisors wearing visibility jackets to be present "on or in the immediate vicinity of the premises on Friday and Saturday night from midnight until closing" is not being complied with. This condition is being breached on a Friday and Saturday by the applicant, and if the same condition has been offered for the hours now sought as part of this application, then my client does not believe that the condition will be observed either.
- The door staff who work at Istanbul Kebab House are reactive and not proactive in stopping incidents happening in the first place, and they do not come out of the applicant's premises to give any assistance but, instead, remain inside.
- As soon as Istanbul Kebab House closes, their door staff remain inside and do not come outside to assist dispersal and do not remain in the area until the last customers have left, meaning that our client's door staff can still be working in the area after 05:00.

Our client therefore objects to this application in its entirety, since it is clear the applicant does not observe the condition currently, which only requires 2 door staff to be on duty, and our client has little faith it will observe any such condition in the future whilst enjoying the benefit of additional hours, should the Licensing Committee be minded to grant this application.

Yours faithfully



Poppleston Allen

## **Objection to Premises Licence Application**

Dear Licensing team,

I am writing to register my representations to the application for a premises licence by Istanbul Kebab, 67 Victoria Street, Windsor.

I am a central Windsor resident where I have lived for five years. The evidence within this statement relates to my personal experience as a resident.

The basis for my representation is that granting a licence for these premises will not promote licensing objectives, particularly the prevention of crime and disorder and prevention of public nuisance.

### 1. Prevention of crime and disorder

Windsor and its residents' lives are disrupted by the anti-social behaviour and crime that can be attributed to the Istanbul Kebab, predominantly on Friday and Saturday nights (into Sunday morning). Patrons of ATIK congregate in the venue after ATIK closes where incidents especially ASB occurs because of the intoxicated state of people, causing further misery for residents. As patrons disperse, they dump their food and litter in the surrounding streets, car park and driveways. I often pick up rubbish at the weekend as it such an eye sore and health hazard.

### 2. Prevention of public nuisance

I can see no reason why Istanbul Kebab wishes to operate Monday & Tuesday to 1.40am; Wednesday, Thursday & Sunday until 3.40am; Friday & Saturday until 4.30am; especially when it is such close proximity to residential streets. Apart from wish to service ATIK patrons there is no need for a kebab shop to open into the early hours midweek in Windsor. A 4.30am closure at the weekend will only extend the issues associated with patrons leaving ATIK i.e., the ASB and noise emanating from the premises causes disruption for local residents.

### 3. Conditions

To conclude, granting a licence for Istanbul Kebab would be of no benefit to Windsor and its residents, as it is an ASB and litter generator draining the resources of TVP and the Local Authority environmental teams. It does not service the residents of Windsor and should not have opening hours extended beyond 11pm.

Penelope Banham  
Windsor resident