

**NOTICE OF INTENTION TO ATTEND A HEARING  
LICENSING ACT 2003 (HEARINGS) REGULATIONS  
2005 REGULATION 8**



*...Making the Difference...*

**Name of Application:**

Please complete and return this form to the address stated below **no later than 5 working days before the hearing.**

**1. Your details**

Name: DAVID TUITT

Address: DM3 LICENSING, 42 PRETORIA ROAD  
LONDON E11 4BD

Telephone Number: 07825 221 522

Please indicate whether you consider a hearing to be necessary:

Yes

No

(the Authority may dispense with holding a hearing if all persons required by the Act agree that such a hearing is unnecessary)

If yes, please indicate whether you will be attending the hearing: (your written representation will be fully considered at the hearing if you choose not to attend)

Yes

No

**2. Representatives**

Please indicate whether you will be represented at the hearing:

Yes

No

If yes, please tick if they are your legal representative

If you have answered yes, please provide details of your representative:

Name: ALAN AYLOTT (DADDS SOLICITORS)

Address: CRESCENT HOUSE  
51 HIGH STREET  
BILLERICAY CM12 9AX

Telephone Number: 01277 631055

**please note:**

- (1) If you have informed the Authority that you do not intend to attend or be represented at the hearing, the hearing may proceed in your absence;**
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the Authority may:**
  - (a) adjourn the hearing to a specified date; or**
  - (b) hold the hearing in the party's absence.**
- (3) Where the Authority holds the hearing in the absence of a party, the Authority shall consider at the hearing, the application, representations or notice made by that party.**

### **3. Person you may wish to assist you at the hearing**

Please indicate whether you require permission for any other person to appear at the hearing (other than the person you intend to represent you, if any):

Name: SEN AKAR

Address: KEBAB HUT, 1 CLAREMONT

Telephone Number:

**Brief description of points that will be made:**

I would like to make reference to :

- covering letter submitted with application (A1)
- information sent to Anthony Masters (A2)
- correspondence with Vivienne Masters / Jean Iving (A3)

**Please return the completed form to:**

**Emily Horne  
Committee Administrator  
Scrutiny and Democratic Services  
Aquila House  
Breeds Place  
Hastings  
TN34 3UY**

**If you have any further queries, please contact Emily Horne on 01424  
451719**



A1

dm3 Licensing Ltd  
42 Pretoria Road  
London E11 4BD

m: 07825 221522  
e: david@your-licence.com

Licensing Team  
Environmental Services  
Aquila House  
Breeds Place  
Hastings TN34 3UY

14 July 2011

Dear Sirs,

**Licensing Act 2003 - Section 17 Application for a premises licence  
'Kebab Hut', 1 Claremont, Hastings, East Sussex TN34 1HA**

Please find enclosed a completed application form, a plan of the premises and the statutory fee in respect of the above application. I confirm that copies of this application have been sent to all Responsible Authorities.

You may recall the application I submitted on behalf of Mahmut Tunc in December 2010. The application had to be withdrawn due to inaccuracies in my original covering letter.

I have now been approached by Sen Akar of Hastings Food Limited who has since taken on the lease at the premises. To ensure no repeat of any inaccuracies I visited the premises on 25 June to meet with Mr Akar. On the day I was provided with the following documents (copies enclosed) to demonstrate the Mr Akar/Hastings Food Limited has genuinely taken over the premises:

- Certificate of Incorporation from Companies House
- Company share certificate
- Confirmation from accountant of the formation of the company
- Memorandum of lease agreement
- Commercial waste agreement
- Insurance certificate
- Bank Statement

The application seeks to operate the premises purely as a location for late night refreshment. Unlike the previous operation, no regulated entertainment nor alcohol sales are being sought. It is again hoped that the removal of alcohol sales and regulated entertainment will negate any concerns from authorities and/or interested parties due to the premises being located in the saturation area.

Arrangements are being made to place a statutory notice in a locally circulated newspaper. Pale blue coloured site notices have been displayed at the premises as required by the regulations.

I would be grateful if you could acknowledge the safe receipt of this letter and its enclosures. Please do not hesitate to contact me if you have any queries.

Yours Faithfully,

**David Tuitt**  
dm3 Licensing Ltd

Concerning the application for a premises licence, submitted to the Licensing Authority by yourself, on behalf of the Hastings Food Limited, relating to the Kebab Hut 1 Claremont Hastings East Sussex. You are aware of the history relating to the operation of the premises, during the period of the night time economy, in a very sensitive area of Hastings. Sussex Police are therefore mindful of the premises being allowed to operate so that the concerns/problems of the past return.

I would be grateful if you could answer some questions which will assist Sussex Police in formulating a response to the application.

1. Who at present is operating / managing the premises?

MR. Sen AKAR

2. What experience of operating such a business does Mr. Sen Akar have?

MR Sen Akar is in food business since 1996. The list of premises MR AKAR worked as manager and operator as follow: 1- FLAME GRILL - BANSTEAD 1997-1999, 2- KEBAB HOUSE - ORPINGTON - 1999-2003, 3- FLAMES GRILL - HASTINGS 2004-2009. The references will follow if required.

3. Does he operate similar businesses in other areas and if so where?

No.

4. Is it Mr. Akar's intention to operate/manage the business and be present during the hours of operation?

Yes.

5. If not who will manage/operate the business in his absence and what experience do they have?

N/A

6. What involvement, if any, will the previous operator Dr. Tanriverdi have in the future business?

DR. Tanriverdi has sold Kebab Hut as an ongoing concern in MARCH 2011.

7. In your letter dated 28th January 2011, relating to a previous application by another applicant, reference was made to Dr. Tanriverdi wishing to sell the business. Am I to assume that the business has been sold and that Dr. Tanriverdi has no interest in the present or future operation?

That's right.

8. As a result of the incidents occurring at the premises in the past, Sussex Police have grave concerns allowing the premises to operate until 0500hrs. Therefore would the applicant be prepared to revise the times of providing late night refreshment from 2300hrs - 0500hrs to 2300hrs to 0200hrs?

We expect the licencing officer to consider weekends opening hours, similar to our neighbours, such as Scoffers Kebab, Super Pizza, Flames Grill, EROL'S Kebab which are all open till ~~05:00~~ 05:00 o'clock. It will be a big disadvantage for us to be open till 02:00 am. On the other hand we are very happy to accept week day opening hours till 02:00 am.

Opening hours of our neighbours:

Scoffers: 05:00 am.

Flames: 04:00 am

EROL'S: 04:00 am

Super Pizza: 04:30 am.

Smiffy Chippy: 05:00 am.



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**From:** <Vivienne.Johnson@sussex.pnn.police.uk> **Sent:** Fri 16/09/11 13:38  
**To:** <david@your-licence.com> **Priority:** Normal  
**Subject:** RE: Letter of objection.doc **Type:** Embedded HTML/Text

Dear Mr Tuitt

Thank you for your observations. My concerns remain as stated in the letter.

Viv Johnson



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-----Original Message-----

**From:** David Tuitt [mailto:david@your-licence.com]  
**Sent:** Wednesday 14 September 2011 18:33  
**To:** Johnson Vivienne DJ510  
**Cc:** Irving Jean 63058  
**Subject:** Re: Letter of objection.doc

Dear Inspector Johnson,

Thank you for providing me with a copy of your representation made in relation to the application for a premises licence at the above premises.

I note that the basis of opposition is the view that the grant of a licence will not promote the licensing objectives of the prevention of crime and disorder and public nuisance. You have also highlighted that the premises is located within the Council's Special Saturation (Cumulative Impact) Area as you feel that the application has failed to demonstrate that there will be no negative cumulative impact.

You will note from my covering letter that I did make reference to the saturation policy. In my view the fact that the applicant seeks to provide only late night refreshment, and not alcohol and regulated entertainment is enough to rebut the presumption against granting. It is also for this reason that we feel SIA registered door supervisors are not required.

I also feel that this premises should not be considered 'new' in the strictest sense. The report to the sub-committee on 2 Feb 2010 to consider the review application made reference to the premises operating "for many years". This gives the impression that it predates the inception of the Licensing Act 2003 itself. I'm told that premises has existed for some 15 years at least. Therefore, the applicant is seeking only to reinstate a feature of the town which has existed for many years and is likely to have had 'Grandfather Rights' during the transitional period.

The review application also highlights that the problems occurred in the 12 months up to the date of the review application (16 December 2009) with a marked escalation in problems up to that date. The report also states that the licence was transferred to the previous licensee in May 2007. This therefore suggests that there was a period of time where the premises operated with no significant issues. And it must again be noted that the rear of the premises operated as a 'disco' with an alcohol on-licence, recorded music and dancing.

In correspondence with Anthony Masters I pointed out that there are already a number of late night refreshment house in the area. Kebab Hut will only act to take a share of the existing market share and I don't believe it will create any new issues by *bringing* new people into the area. It is most important to point out that 'Scoffers' is quite literally a few doors along and I am advised it is able to trade late night refreshment up to 5am.

I also feel that it is unfair to cite the conduct of the previous management/owner as a reason for this application to be rejected. Guidance is clear that each

application should be assessed on its own individual merits. This is also reflected in the Council's Policy. Whilst I can understand the need to provide a background, the use of the word "notorious" creates deep uncertainty for any sub-committee member that may consider this application. My understanding of the previous operation was that it was about the *operator* and not the premises itself.

The point you have raised in relation to the rear seating area is a valid one. I have there suggested to Mr Akar that the rear area should operate in the same way as it did prior to the revocation – namely closing at midnight Sunday to Wednesday and earlier Thursday to Saturday – at 1am. I have also suggested installing additional CCTV cameras to cover this area to the satisfaction of Sussex Police

I would also like to advise you of revised hours of application as follows:

- Late night refreshment Thursday to Saturday to 4am (reduced from 5am to coincide with the end of the Night Time Police Team shift)
- Late night refreshment Sunday to Wednesday reduced to 2am from 5am

I hope the above can go some way to allay your concerns. If there are any further measures we can take, please let me know. Alternatively feel free to contact me with any queries or for any clarification.

Kind Regards,

David Tuitt  
DM3 Licensing

**On Fri 12/08/11 10:38, Vivienne.Johnson@sussex.pnn.police.uk wrote:**

<> Dear Mr Tuitt

Here is a copy of the letter of objection that I have sent to Hastings Borough Council regarding 1 Claremont, Hastings. This is within the Special Saturation Area 1.

Viv Johnson

*Sussex Police what*

*If you have received this message in error, please contact the sender as soon as possible in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.*

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