

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

**Minutes of the Licensing Sub Committee Meeting
held on Thursday 21st December 2012 at 10am
in the Committee Suite, King's Court, King's Lynn**

PRESENT:

Sub-Committee Members:	Councillor G Sandell (Chairman) Councillor C Crofts Councillor Mrs S Smeaton
Borough Council Officers:	Rachael Edwards - Senior Democratic Services Officer John Gilbraith - Licensing Manager
Legal Advisor:	Cara Jordan
Applicant:	Norfolk Constabulary
Applicant's Representatives:	Mr Tony Grover, Licensing Officer, Norfolk Constabulary Sergeant Vikki Flatt, Licensing Sergeant, Norfolk Constabulary
Respondent:	Mr Ali Keceli, Ali's Meze Bar & Charcoal Grill
Respondent's Supporters:	Mr Nadeem Nowrung Ms Anna Hall

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application to review the premises licence in respect of Ali's Meze Bar & Charcoal Grill, 120 Norfolk Street, King's Lynn. He introduced the Sub-Committee Members and the Borough Council officers and explained their roles. He also introduced the Legal Advisor, Cara Jordan. Mr Tony Grover, Licensing Officer and Sergeant Vikki Flatt, Licensing Sergeant representing Norfolk Constabulary also introduced themselves. The licence holder, Mr Ali Keceli and his supporters Nadeem Nowrung and Anna Hall also introduced themselves. All parties confirmed that fifteen minutes should be sufficient to present their cases.

2. THE PROCEDURE

At the request of the Chairman, the Licensing Manager explained that, with the agreement of the Chairman, the procedure at the hearing would be slightly amended in that prior to outlining any relevant guidance he would be inviting the applicant and respondent to present their cases, subsequent questions and summing up.

3. THE APPLICATION

The Licensing Manager presented his report and explained that at any stage following the grant of a premises licence, a 'responsible authority' or any 'other person' may apply to the licensing authority to review the premises licence because of matters arising at the premises in connection with any of the four licensing objectives. These four licensing objectives were:

- the prevention of crime & disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm

The Licensing Manager explained that 120 Norfolk Street had held a premises licence since the 2003 Act commenced in November 2005. Prior to this it held a Justices' Restaurant Licence under the Licensing Act 1964. Since 2005 it has been known as 'Top Grill', 'Silver Grill', 'Ali's Meze Bar Top Grill', 'The Black Orange' and 'Ali's Meze Bar & Charcoal Grill'. Mr Ali Keceli had been the current premises licence holder since October 2009. A copy of the current premises licence Number WNPL005085 had been attached to the report at Appendix 1.

The Licensing Manager explained that the Norfolk Constabulary, as a responsible authority had made an application to review the premises licence for Ali's Meze & Charcoal Grill under all four licensing objectives. A copy of the review application and additional statements which the Police provided on 22nd November 2012 and 28th November 2012 had been attached to the report at Appendices 2, 3 and 4.

Representation from Responsible Authorities

Section 13(4) of the Licensing Act 2003 defined the 'Responsible Authorities' as the statutory bodies that must be sent copies of an application. Representations made must relate to the licensing objectives.

The following comments had been received from the Responsible Authorities:

- Norfolk Constabulary, as a responsible authority had made the review application and comments from the other responsible authorities were as follows:

<u>Responsible Authority</u>	<u>Comments Received</u>
Norfolk Fire Service	None
Norfolk Trading Standards	None
Norfolk Safeguarding Children's Board	None

<u>Responsible Authority</u>	<u>Comments Received</u>
Public Health	None
Planning (BCKLWN)	None
Health & Safety (BCKLWN)	None
Community Safety & Neighbourhood Nuisance (BCKLWN)	None
Licensing Authority (BCKLWN)	None

Representations from ‘Other Persons’

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

There were no representations from ‘other persons’ to consider.

Notices

The Borough Council was responsible for advertising the application by way of a notice in the specified form at the premises for not less than 28 consecutive days and on the Council’s website. The Public Notice should have been displayed on the premises until the 10th December 2012.

Plans

A plan of the premises had been attached at Appendix 5 showing other licensed premises on Norfolk Street, King’s Lynn

Questions to the Licensing Manager

There were no specific questions on the report to the Licensing Manager at this point.

4. THE APPLICANT’S CASE – NORFOLK CONSTABULARY

Mr Grover presented the case on behalf of Norfolk Constabulary.

Grounds for the Review

Mr Grover explained that it was the opinion of the Police that the management of the premises and the application of the licensing laws persistently fell short of current licensing objectives and that in spite of continual dialogue between the Police and Mr Keceli in trying to address these issues there was:

- Evidence to demonstrate Police concerns that Mr Keceli had failed to consistently display the strength of management and supervision of his premises required to pay sufficient attention to compliance of the licensing laws and objectives.
- Evidence to demonstrate that Mr Keceli had allowed breaches of licensing conditions and had been allowing activities which were unlicensed, i.e. recorded music and dancing.
- Unacceptable levels of incidents at the venue that required Police attendance or intervention which included crime, disorder and drunkenness both inside the venue and outside in the immediate vicinity of the premises.

The situation had led to the overall poor standard of management of the premises which in turn had led to disproportionate numbers of incidents of crime and anti-social behaviour associated with the premises. This had a profound and detrimental impact on the safety and well-being of the local community within the night time economy of King's Lynn.

The opinion of the Police was that action by way of a Licensing Review was required to ensure that the premises no longer presented the same risk to crime and disorder occurring and affecting those who may use the venue or may use the area, by making sure that the premises were more appropriately controlled and restricted for licensing purposes.

Evidence to Support the Application

The premise of Ali's Meze Bar & Charcoal Grill was situated in the heart of the night time economy of King's Lynn in Norfolk Street. The venue was within a terrace of buildings which consisted of commercial premises on the ground floor and some residential properties above. The licensed premise was on the ground floor only and provided both restaurant and take-away food facilities. A significant part of the business took place between midnight and 04.00am on the weekends. This was generally even more concentrated between 02.00am and 0.400am when night time revellers were looking for hot food and a chance to consume more alcohol after the night clubs had closed.

The premises was almost opposite Kudos Night Club. Norfolk Street itself had six hot food venues that serviced the night time economy and was the main area to which high numbers of intoxicated people gravitated towards for hot food at the end of the night out.

Ali's Meze Bar & Charcoal Grill benefitted from a Premises Licence which only authorised:

1. The Sale of Alcohol for consumption on and off the premises – it should be noted that, in essence, all sales of alcohol were subject to conditions stating that such sales were only allowed if they were ancillary to the purchase of food.

2. Late Night Refreshment.

These licensed activities should finish at 04.00am on Friday and Saturday nights and the venue should be closed by 04.30am.

Mr Keceli took over the running of his business at the premises at the beginning of November 2009. At that time he told the Police Licensing Officer that he had previous experience in the restaurant business in the county in King's Lynn, but this was the first time he had run his own business. At the time he was advised to ensure that he ran his premises within the permissions and conditions contained within the premises licence and that if he required any guidance as far as licensing matters were concerned he should contact the Police.

It soon became obvious that, even though he believed that he was doing a good job, Mr Keceli's interpretation of the licensing laws and the terms of his licence was not what it should be. Twice in 2010, Police recorded incidents of breaches of his licence conditions where he sold alcohol without food. Throughout 2011 there were incidents at the premises which involved drunkenness, disorderly conduct, assaults, breaches of the permissions and conditions in his licence and poor management. Details of these incidents had been attached to the Application for Review. Mr Keceli had been reminded of his responsibilities by the Police Licensing Officer when they discussed the running of his premises in April 2011.

It was clear to the Police that Ali's Meze Bar was consistently attracting high number of persons throughout the early hours of the morning at the weekends. Observations by Police patrols determined that high spirited, drunken people would hang around the front of the venue either waiting for food or coming out of the venue to smoke. Often these 'high spirits' would escalate into criminal and disorderly behaviour which would require Police intervention and often involve the arrest of offenders.

In March 2012, it became necessary for the Police Licensing Officer, Michelle Bartram, to contact Mr Keceli by telephone and again remind him of his responsibilities towards the licensing laws and the terms and conditions of his premises licence. Reports had been received by the Police concerning the sale of alcohol to underage persons and the fact that he had been seen again serving hot food after licensing hours had ended. Drunkenness at the premises was still an issue, as was disorderly behaviour and poor management. An advice letter was sent to Mr Keceli, a copy of which had been attached to the Application for Review. In April 2012, this intervention was followed with a personal meeting with him by Police Licensing Officer, Tony Grover, to discuss Police concerns in more depth. The result of this meeting was a further letter of advice to Mr Keceli which warned of the possible consequences if he continued to operate his business outside the provisions contained within his premises licence and failed to take appropriate steps to reduce the number of incidents associated with his premises. A copy of this letter had also been attached to the Application for Review. At the time, the Licensing Officer requested that Mr Keceli write to him giving details of how he would address the concerns of the Police. No such communication had been received.

Over the following months the concerns of the Police Commanders were not alleviated. Poor management of the premises was still a serious problem and incidents similar to those already mentioned continued to be recorded against the premises.

In August 2012, another meeting between Mr Keceli and the Police Licensing Officer, Tony Grover, was held where the spectre of a Licensing Review was seriously discussed. It was a last ditch effort to compel Mr Keceli into taking Police concerns most seriously and introduce effective measures that would demonstrate the required level of attention to:

- Stopping any further breaches of the licensing laws.
- Comply with the permissions and conditions within his Premises Licence.
- Reduce the number of preventable incidents from occurring at his premises.

Details of that meeting were recorded in another letter to Mr Keceli. On this occasion Mr Keceli did send a letter to the Police Licensing Officer stating his intentions. Copies of both letters had been attached to the Application for Review. The Licensing Officer also received a telephone call from the Security Manager from Dove Security informing him that Dove Security had been engaged to supply one doorman at Ali's Meze Bar on Friday and Saturday nights between 2am and 4am.

It was highlighted that the 'Summary of Police Involvement' showed no evidence of improvement in the performance of the premises. In fact, the opposite was evident. In addition to the observations and reports of Police Officers attending to deal with the crime and disorder still associated with the venue, covert Police observations were held within it. Police Officers observed unlicensed activities taking place in that music was being played 'disco style' at a level which could only be regarded as being 'Recorded Music' for licensable purposes and that several customers were seen dancing, again an activity which required licensing. Neither of these activities had been given as permissions contained within the current premises licence. The officers also witnessed alcohol being sold to at least one customer without food being purchased. This was a clear breach of the conditions within the licence.

The local Police Commander, Chief Inspector Porter, had by this time already spoken to Mr Keceli regarding his concerns about the management of the premises and the unacceptable level of incidents associated with it. The observations of the covert Police Officers obviously came as a disappointment. A statement from Chief Inspector Porter was attached to the Application for Review which highlighted his concerns regarding Ali's Meze Bar and its current negative effect within the night time economy.

At a meeting with Mr Keceli on 2nd November, the Police Licensing Officer informed him that it had come to the point where the Police would be submitting an application for his premises licence to be reviewed. The reason was because of on-going serious concerns regarding unlicensed activities, poor management of the premises and its constant links with crime and anti-social behaviour in Norfolk Street. Mr Keceli was informed that the Police would seek amendments to the timing of licensable activities and the addition of conditions forcing robust

management of his premises. The details would be given in the application of which he would receive a copy.

Norfolk Police requested that the Licensing Committee took into account all the evidence contained within the application and attached to it and would seek to place the following amendments and additional conditions to the Premises Licence in order to address the concerns that they had regarding the way in which the premises was currently being run:

Amendments:

1. To amend the permitted times for the Sale of Alcohol (on & off) to read – 11.00 am to midnight every day.
2. To amend the timings for Late Night Refreshment to read –
Monday to Saturday (& New Year's Eve) – 11.00 pm to 02.45 am
Sunday – 11.00 pm to 01.45 am.
3. To amend opening hours to read –
Monday to Saturday (& New Year's Eve) – 11.00 am to 03.00 am
Sunday – 11.00 am to 02.00 am

Additional Conditions:

1. Two members of registered door staff must be on duty at the premises on Saturdays and Sundays (& New Year's Day) between 01.00 am and until the time when the premises closed for business.
2. A digital CCTV system must be installed to current British Standards that will have a minimum of 28 days recording capability. Images must be capable of being downloaded and provided to representatives from the Police and the Licensing Authority upon request. All public areas must be covered by cameras. One camera must cover the front entrance/exit to the premises. One camera must be placed to monitor outside the front of the premises. Notices must be displaced advising customers that CCTV is in operation on the premises.
3. Staff at the premises will keep and maintain an incident and refusals log.
4. All staff must be trained in the licensing laws applicable to the sale of alcohol. Training records must be kept and provided for examination to the Police and the Licensing Authority upon request.
5. At least one personal licence holder must be on duty at the premises during time when alcohol is permitted to be sold.

Mr Grover stated that Norfolk Police felt that this action was both necessary and proportionate in order to positively address the serious concerns they had regarding how Mr Keceli ran his premises. They felt that this action would

practically promote the licensing laws and objectives for the benefit and well-being of the whole community.

Questions to Mr Grover and Sergeant Flatt

Mr Keceli stated that he had spoken to Mr Grover on many occasions and taken on board and actioned everything that he had been advised to do. He had also liaised and received advice from the Licensing Manager, John Gilbraith. Mr Keceli questioned, if on a number of occasions that there had been groups of people causing crime, disorder and public nuisance, whether the Police had issued any Section 27 notices in order to ensure the perpetrators left the town centre. Mr Grover took the opportunity to explain to Members of the Sub-Committee that under Section 27 of the Violent Crime Reduction Act 2006, there were powers to give a "Direction to Leave a Locality" where the Constable believed that such a Direction was necessary to remove or reduce the likelihood of there being alcohol-related crime or disorder in the locality. A Direction must only be given when, in the Constable's judgement, the presence of the individual in the locality was likely to cause or contribute to the occurrence, repetition or continuance in that locality of alcohol-related crime or disorder. Mr Grover stated that he could not stipulate how many Section 27 notices had been issued in Norfolk Street.

Ms Hall and Mr Nowrung confirmed that they had no questions.

In response to questions from the Chairman, Mr Grover confirmed that it was normal practice to carry out similar visits to that described earlier to other licenced premises in the area. Both positive and negative points were reported to ensure that a balanced view was reflected. He confirmed that Ali's Meze Bar & Charcoal Grill had not been singled out.

Councillor Mrs Smeaton questioned why, if problems had been experienced for a number of years, a review application had not been submitted a lot sooner. Mr Grover explained that it was the Police's practice to work with licensed premises to try and alleviate any problems and that a review application was the last resort. Many attempts had been made to give Mr Keceli advice and guidance which had not all been taken on board. The process had been fully exhausted hence the review application.

Councillor C Crofts referred to page 108 of the Agenda (Appendix 5) which was a location plan of the premises and detailed the times that other licensed premises in the vicinity were opened too and asked for clarification. Mr Grover outlined the times that other premises were open too, but explained that they did not all sell alcohol. He confirmed that Ali's Meze Bar was opened until 4am with an extra half an hour permitted to finish consuming any food which therefore made it the latest premises to close in Norfolk Street. In response to a further question from Councillor C Crofts, Mr Grover confirmed, that this, in the Police's opinion, made the premises a "beeline" for people to head to, to obtain alcohol. The Licensing Manager also referred to the other premises which were not shown on the map but offered alcohol for consumption on the premises (as detailed in the table at Appendix 5).

5. THE RESPONDENT'S CASE

Mr Keceli presented his case and stated that he could understand the Police's concern which he had taken on board and implemented some changes. He confirmed that he had met with Mr Grover and discussed the Police's concerns. However, since becoming aware of the review application, he had already taken steps to implement improvements to deal with the observations made by the Police. He explained that he had re-arranged the position of the counter in the shop to prevent lots of people crowding round the door. The narrow entrance meant that door staff could exercise more control over who came in to sit and eat and have drinks. It also allowed longer for making judgements and engaging with customers as they came in. This made it easier to assess what they wanted and whether they would be served. People could be separated from those waiting for takeaway food and those wanting to sit in and eat. This had also stopped people coming and going so much and hanging around the entrance and made it easier to stop people taking drinks out of the premises. Door staff had also been arranged to be on the premises during the busiest time of trading from 2am to 4am.

Mr Keceli explained he had upgraded his CCTV to British Standards to address the concerns raised by Police who had visited the premises. There were now 7 cameras instead of 4 and the additional cameras had been placed in locations that had been suggested. Staff had been trained in the use of the equipment and the monitor was larger so it made it more visible to help with monitoring. There were no blind spots and the recording equipment could store up to 60 days on HDD storage. Further signs had also been put up indicating the presence of CCTV.

Staff at the premises now kept and maintained an incident and refusals log. (Copies of which were circulated to the Sub-Committee to view).

Mr Keceli stated he also offered tea, coffee, soft drinks and together with food this helped to sober customers up a bit. He explained that he took great pride in the quality of food that he offered and the level of service he and his team provided. The restaurant gave a unique glimpse of the food of another culture.

Mr Keceli explained that Mr Nowrung had now completed a Personal Licence Holder's course which would give him more opportunity to deal with other management issues and be more front of house to assist with decisions about service to customers. He also explained that he had already instigated an amendment to his operating times. As from 3.30am, only takeaway orders were permitted and customers would not be allowed to come in and sit down. This would ensure that the restaurant was cleared by 4am to address the concerns the Police had made in their statements.

Mr Nowrung also stated that since the change in operating time there had been a reduction in the incidents that had been recorded. The change in layout had also assisted with this. He also stated that he felt that 2 registered door staff, as proposed by the Police, was disproportionate and unnecessary particularly in light of the upgrade to the CCTV system.

Mr Keceli explained that he was born in Turkey but had been living and working in the UK for some 14 years. The business was his sole income and supported him and his family as well as providing employment for others. He explained that the proposed changes to his licence would have a considerable detrimental effect on his business during financially difficult times and it was already hard to make a profit. Mr Keceli stated that he was a pro-active and positive business man and community member and was aware of his responsibilities to provide a safe environment for his customers, local residents and staff.

Mr Nowrung also explained the Challenge 25 policy had been adopted and staff were made aware of the requirements and how to deal with customers. He also stated that he believed that with the premises closing at 4am, it allowed for customers to disperse from town gradually rather than all at the same time. It also stopped people congregating at taxi ranks and arguing over taxis.

Questions to Mr Keceli, Mr Nowrung and Ms Hall

Mr Grover referred to the letter submitted by Mr Keceli subsequent to the Agenda being issued but which had been circulated to all parties and questioned whether Mr Keceli was denying that the incidents detailed in the Police officers statements had occurred. Mr Keceli stated that they may well have occurred but he had done nothing to encourage anti-social behaviour or anything that would be detrimental to his business. In response to a further question from Mr Grover in relation to unlicensed activities taking place in that music was being played 'disco style' and that several customers were seen to be dancing, Mr Nowrung explained that they did not play 'disco style' music or encourage dancing but only background music was played. Mr Grover suggested that Mr Keceli's letter, which offered mitigating circumstances, was in fact an admission that such incidents had occurred.

Mr Grover referred to the statement Mr Keceli had made in his letter that a vast number of his customers came in for the food with the ratio of food to alcohol sales in the region of 80% food to 20% alcohol and questioned whether a further breakdown of the time that the sale of the alcohol actually occurred was available. Ms Hall explained that no further breakdown was available but the menu had been amended to take off reference to alcoholic drinks and the overhead display at the entrance to the shop had been changed to remove reference to alcoholic drinks.

Mr Grover questioned whether the changes that had been introduced were merely made because of the review application being submitted. Mr Keceli explained work on making changes had been considered some time ago but implemented during the last four months.

Councillor C Crofts referred to the Police's reference to "disco style" music which was referred to by Mr Nowrung as background music and asked for clarification. The Licensing Manager explained that he disagreed with the Police's reference and explained that the spontaneous performance of music, singing or dancing did not amount to the provision of regulated entertainment and was not a licensable activity because the premises would not have been made available to those taking part for that particularly purpose. He also explained that, the performance of live music

and playing of recorded music was not regulated entertainment under the 2003 Act to the extent that it was “incidental” to another activity.

Councillor Mrs Smeaton questioned whether Mr Keceli actively promoted and organised facilities for dancing. Mr Keceli stated that he did not promote it or encourage it. As far as he was aware on a couple of occasions, a couple of customers got on their chairs and started dancing but had been quickly told to get down and stop. In answer to a further question from Councillor Mrs Smeaton, Mr Nowrung confirmed that Licensed-inn-tuition (Mr Paul Byatt) had provided his training to become a Personal Licence Holder. He also confirmed that he was Security Industry Authority (SIA) trained.

In response to a question raised by the Chairman as to when the recording of any refusals had commenced, Mr Keceli explained that he had received advice and training from his security company but prior to this had not been aware of the existence of fake IDs. He now had the facilities (Black Light) to identify a fake ID and counterfeit money. Mr Keceli further clarified that recording of refusals had only commenced recently but verbal refusals had always been made. In response to a further question from the Chairman, Mr Keceli explained that he had changed his operating times (to ensure everyone had vacated the premises by 4am) approximately 8 weeks ago. He also explained that he made sure notices were clearly displayed in several languages so that all customers were aware that alcohol could only be purchased with food and also highlighted the time for last orders. Notices also made it clear that all orders for food must be placed in plenty of time before closing.

The Licensing Manager took the opportunity to question Mr Grover as to whether he had seen the new upgraded CCTV installed by Mr Keceli. Mr Grover explained that whilst he had not viewed the equipment personally, he was aware that it had been upgraded and was of a good standard. He also confirmed that since the changes made to the layout of the premises, the situation had improved although in his opinion that was also as a result of a more robust management approach shown by Mr Keceli.

The Licensing Manager referred to the fact that the review application had been made under all four licensing objectives and although it was clear that there were concerns with crime and disorder, he questioned how the application related to the other three licensing objectives. Mr Grover explained that in terms of public safety, there were concerns over spontaneous dancing on tables and chairs. In relation to public nuisance, with the level of crime and disorder outside and in the immediate vicinity of the premises there was the potential to endanger the public safety of the wider community. In terms of the protection of children from harm, Mr Grover explained this was in reference to underage sales. The Licensing Manager referred to fact that he could only see one reference to underage sales contained in the Police submission and that there had been no suggestion that the alcohol had been purchased from Ali's Meze Bar. Mr Grover stated that there was inference that it had been, but acknowledged that there was no proof.

SUMMING UP

Respondent

Mr Keceli summed up his case stating that he had been happy to attend the review hearing as it was important to him as a local business man and member of the community to do everything he could to comply with the relevant regulations and to ensure that the local area was safe for visitors, residents and workers. He stated that he felt that the business had a good relationship with local officers and he would do everything that he could to help this continue. In conclusion, Mr Keceli explained that he was more than happy to comply with any suggestions made by the Police if they were relevant to promoting the four licensing objectives.

Applicant

Mr Grover, in summing up, acknowledged that Mr Keceli was trying to maintain a good relationship and stay on the right side of the Police and in turn offer a good service to his customers. To some extent, he felt that he had accepted the Police's observations as he had implemented some changes in light of the review application, however it was noticeable that he did not accept the Police's recommendations outlined in the review application. In terms of believing that his opening hours allowed customers to disperse from the town gradually rather than all at the same time, the Police's view was that this just elongated and blighted the night time economy for a further period. The review application had been submitted based on the licensing laws and objectives along with a number of statements from officers that there was an unacceptable level of crime and disorder, the majority of which occurred after 3am. Mr Grover explained that advice and guidance had been offered to Mr Keceli on a number of occasions but he had breached licensing laws by selling alcohol without food.

In conclusion, Mr Grover stated that the application had been both necessary and proportionate and the recommendations appropriate in order to address the serious concerns the Police had with regard to how Mr Keceli was running his premises.

7. OUTSTANDING MATTERS

The Licensing Manager addressed the Sub-Committee and advised that having regard to the review application, they were requested to consider the application, the report and take such steps as they considered appropriate for the promotion of the licensing objectives. These steps were:

- (a) To do nothing;
- (b) To modify the conditions of the premises licence (which included adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- (c) To exclude a licensable activity from the scope of the licence, for example, to exclude the sale of alcohol or provision of late night refreshment;
- (d) To remove the designated premises supervisor, for example, because they consider that the problems were the result of poor management;
- (e) To suspend the licence for a period not exceeding three months;
- (f) To revoke the licence.

The Licensing Manager referred to Guidance issued under Section 182 of the Licensing Act 2003 which stated that licensing authorities should note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. It would always be important that any detrimental financial impact that may result from a licensing authority's decision was appropriate and proportionate to the promotion of the licensing objectives. However, where premises were found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures were deemed insufficient, to revoke the licence. He also referred to the Guidance in relation to proportionality, in that the 2003 Act required that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignored these individual aspects should be avoided. Licensing authorities and other responsible authorities should be aware of the indirect costs that could arise because of conditions. These could be a deterrent to holding events that were valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose were only those which were appropriate for the promotion of the licensing objectives.

In conclusion, the Licensing Manager reminded the Sub-Committee it was important that a licensing authority gave comprehensive reasons for its decision in anticipation of any appeals which both parties had a right to make to the Magistrates' Court. Failure to give adequate reasons could itself give rise to grounds for an appeal. It was particularly important that reasons should also address the extent to which the decision had been made with regard to the licensing authority's Statement of Policy and the Section 182 Guidance. The Legal Advisor concurred with the advice offered by the Licensing Manager.

With the permission of the Chairman, Councillor Mrs Smeaton questioned Mr Grover as to whether, in his opinion there had been an improvement since the changes outlined by Mr Keceli, had been implemented. Mr Grover explained that he had prior to attending the hearing, extracted the information from the Police database and there had been 7 visits to the premises since the changes had been made. All visits

had concluded that the changes to the layout were greatly improved. There had been one incident reported since the review application had been made to which the Police had attended to assist and a Section 27 notice had been issued.

8. REACHING A DECISION

The Sub-Committee retired to consider its decision in private, accompanied and advised by the Legal Advisor on specific points of law and procedure. On all parties returning to the room, at the request of the Chairman, the Legal Advisor explained that she had not offered any additional advice to the Sub-Committee but assisted them with the general structure in terms of reference to the 4 licensing objectives, the Council's own Statement of Licensing Policy and the Guidance issued under Section 182 of the Licensing Act 2003.

9. PRELIMINARY DECISION

We have read and listened to all the evidence today. In coming to our decision we have considered:

The Licensing Objectives
The Home Office Guidance
The Borough Council's Licensing Policy
The Human Rights Act

We consider that this application on its merits and that the review is justified.

Up until the time of this application it is clear that the Police have tried to enter into meaningful dialogue but there has not been adequate improvement until the application for a review was made.

Having listened to the evidence, we consider it necessary to take the following steps to promote the relevant licensing objectives.

1. Reducing the permitted times for carrying out licensable activities:

Late night refreshment (indoors)

Monday to Thursday	11.00pm to 3.00am
Friday and Saturday	11.00pm to 3.00am
Sunday	11.00pm to 2.00am
New Year's Eve	11.00pm to 3.00am

The sale by retail of alcohol for consumption ON and OFF the premises

Monday to Thursday	11.00am to 3.00am
Friday and Saturday	11.00am to 3.00am
Sunday	11.00am to 2.00am
New Year's Eve	11.00am to 3.00am

Opening hours of the premises

Monday to Thursday	11.00am to 3.30am
Friday and Saturday	11.00am to 3.30am

Sunday	11.00am to 2.30am
New Year's Eve	11.00am to 3.30am

REASONS

The reasons for the Panel's decision was as follows:

We have considered the evidence of the Police that there have been a large number of incidents including fights, drunkenness and unauthorised sales. However this has occurred in the main between 3am and 4am. The reduction of the opening hours and sale of alcohol by this small period of time is considered necessary and proportionate to prevent crime and disorder. Also, we do not think this is disproportionate taking into account the sales figures of food and alcohol being at 80%, 20%.

We also consider it appropriate to make the following additional conditions:

1. One member of registered door staff be on duty at the premises on Saturdays & Sundays (& New Year's Day) between 1am and the time when the premises are closed for business.

We think it is necessary to impose this condition for the prevention of Crime & Disorder and public nuisance. We consider there to be sufficient evidence from the Police that there has been many incidents of drunkenness relating to this premises. Also that there have been altercations which, when in the vicinity of the premises can cause a public nuisance to people going about their business.

We take into account the changes made by the licence holder to the layout and display of the premises and the implementation of CCTV. For this reason we consider that one member of door staff is sufficient to address these two licensing objectives.

2. Staff at the premises will keep & maintain an incident & refusals log.
3. All staff must be trained in the licensing laws applicable to the sale of alcohol. Training records must be kept and provided for examination to the Police and the Licensing Authority upon request.
4. At least one personal licence holder must be on duty at the premises during times when alcohol is permitted to be sold.

We impose these conditions for the reasons previously given. We note the comments of the Police about the previous poor management. Having found many examples of drunkenness and anti-social behaviour, these conditions will ensure everyone is properly trained, alcohol is responsibly served thereby preventing incidents of crime and disorder and the nuisance these incidents have caused.

There is a right of an appeal to the Magistrates Court within 21 days

Comments on the Decision

At the invitation of the Chairman, the Licensing Manager sought clarification on the condition that required one member of registered door staff to be on duty at the premises on Saturdays & Sundays (& New Year's Day) between 1am and the time when the premises were closed for business. It was explained that because it was from 1am in the morning it actually fell in to Saturday and Sunday morning as opposed to Friday and Saturday.

Confirmation of the Decision

In light of the above, the Chairman confirmed the preliminary decision as outlined above.

The Chairman thanked everyone for their attendance and contributions and declared the meeting closed.

The meeting closed at 12.40pm