

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003</b> <b>RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Thursday, 26 March 2015
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Jennifer Jordan Councillor Graham Ellwood (Chairman) Councillor Terence Patrick (Chairman)
<b>OFFICERS PRESENT:</b>	Sophie Butcher (Committee Manager) Peter Muir (Licensing Compliance Officer) Bridget Peplow (Senior Lawyer Litigation) Ciara Swan (Democratic Services Assistant)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	None
<b>PREMISES:</b>	Guildford Charcoal Grill 15 Park Street Guildford Surrey GU1 4XB
<b>TYPE OF APPLICATION:</b>	Application for a new premises licence for Guildford Charcoal Grill, 15 Park Street, Guildford, Surrey, GU1 4XB
<b>DETAILS OF APPLICATION SOUGHT:</b>	A new premises licence to allow the provision of late night refreshment.
<b>APPLICANT:</b>	Ibrahim Yaqubi, 15 Park Street, Guildford, Surrey, GU1 4XB
<b>APPLICANT'S REPRESENTATIVES:</b>	Mr Levent Kubilay (Agent)
<b>RESPONSIBLE AUTHORITIES:</b>	Mr Colin Whitear (Licensing Officer, Surrey Police) Sergeant Helen Palsar (Surrey Police) Ms Anjana Papnai (Environmental Health Officer)
<b>OTHER PERSONS:</b>	None

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### **DETAILS OF DECISION TAKEN:**

The Sub-Committee considered the application for a new premises licence for the provision of late night refreshment. The Sub-Committee also considered the relevant sections of the Council's Licensing Policy and the National Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 (as amended).

The Sub-Committee was informed by the Licensing Compliance Officer that a new premises licence was sought for the provision of late night refreshment by Guildford Charcoal Grill between the hours 23:00 – 03:00 Monday – Saturday and 23:00 – 01:00 on Sundays. The premises was previously licenced for the provision of Late Night Refreshment, licence reference GUPL0035 which was reviewed on the application of Surrey Police in 2012 at which time the Sub-Committee amended the hours and imposed additional conditions. Surrey Police applied for review of the premises again in 2013 and the Sub-Committee revoked the premises licence.

The Sub-Committee was informed that the new applicant wished to provide a delivery service, but had not included this request as part of his application. The Sub-Committee was advised by the Senior Lawyer Litigation that the applicant would need to apply for a variation subsequent to this application given that the applicant had not included this in their application and therefore responsible authorities and other persons had not had an opportunity to make representations in respect of this proposal.

The Sub-Committee was advised by the Licensing Compliance Officer that if the new premises licence application was granted, the following mandatory condition would be attached to the licence:

'where at specified times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licenced by the 'Security Industry Authority (SIA)'.

Mr Yaqubi made the following submissions in support of his application and in relation to questions raised by the Sub-Committee stated:

- he was the new owner of Charcoal Grill and would do everything in his power to ensure that the premise was well run, in accordance with all of the recommendations made by the Licensing Sub-Committee and Surrey Police;
- he confirmed that three staff would be employed for the provision of late night refreshments;
- all staff would be trained in the operation of the CCTV equipment;
- he would ensure the good management of the premises and service to members of the public.
- He confirmed that they had requested the hours from 23:00 – 03:00 Monday to Saturday as they wanted to meet the demand for late night refreshments when clubs had closed.

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The Sub-Committee noted the following submissions made by Surrey Police detailing their objection to this application:

- Guildford has a very busy, night-time economy and take-away premises such as Charcoal Grill are potential flashpoints for incidents to occur when people migrate from the bars, clubs and pubs at closing time. Charcoal Grill was particularly close to Bridge Street where a number of pubs were located;
- They were concerned in relation to how Charcoal Grill would deal with lots of people descending upon the premises after the pubs, bars and clubs had closed, particularly on the busier nights of the week such as Mondays, Fridays and Saturdays. In particular they had concerns as to how Charcoal Grill staff would determine how drunk people were and what procedures were in place to safely remove people from the premises should a problem occur;
- a bar called Thirty3 Hz had opened next door to the premises and was not open when Charcoal Grill was previously permitted to operate a late night refreshments licence. This would exacerbate the police's problems when dealing with late night revellers as more people would be in close proximity and the bar closes at 2.30. It would be preferable for the Charcoal Grill to be shut prior to the bar closing to assist with dispersal of the bar's customers.:
- they were concerned in relation to the hours requested of 23:00 – 03:00 for the provision of late night refreshments when other late night take-away premises in Guildford closed prior to 2:30am or earlier, which was before the closing time of local clubs;
- they recommended at least two SIA trained door staff from 23:00 until closing and that the doors should be closed fifteen minutes prior to the end of the licensed hours. It was not appropriate to have the serving staff trying to assist a single doorman as this would exacerbate problems caused by customers waiting for their food. The fifteen minutes during which no new customers could be admitted would allow customers to be served and the premises to close promptly at the end of the licensed hours.
- They proposed a number of conditions as set out in their written representation.
- They would like to see the premises closed at 2.00 am

The Sub-Committee noted the following submissions made by Environmental Health detailing their objection to the application:

- Complaints had been received in relation to noise generated from the premises located next door, Thirty3 Hz;
- There were concerns that permitting the Charcoal Grill premises to open late at night would result in further noise disturbance to local residents, particularly to those people who live at the Flats in the First House, 16 Farnham Road and at the back of Farnham Road. This was because the customers would remain in the area after the bar was shut, prolonging the noise disturbance.

The Applicant confirmed that he was happy to accept the conditions suggested by Surrey Police in their written representation and the following amended condition as proposed by Surrey Police to assist in the control of potential anti-social behaviour:

- Two SIA accredited door staff shall be employed at the premises on Monday, Friday and Saturday nights from 23:00 to 02:00.

The applicant confirmed that he did not agree to the suggested closing time of 2.00 am.

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The Sub-Committee

RESOLVED: That the application for a new premises licence in relation to Guildford Charcoal Grill, 15 Park Street, Guildford, Surrey, GU1 4XB

be approved subject to the following:

1. The licensable activities shall be as set out below:

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>(1) Provision of late night refreshment</b>							
<b>Indoors</b>	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 01:00
<b>Times premises are open to public</b>							
	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 01:00

## **Mandatory Conditions**

### **A: Door supervision**

1. Where at specified times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licensed by the 'Security Industry Authority' (SIA).

### **2. Conditions imposed by the Sub-Committee :**

1. A CCTV system must be installed on the premises. The CCTV system installed on the premises is to be fully maintained at all times with monthly maintenance checks being undertaken and shall be operational when the premises are open.
2. The CCTV system must cover all internal public areas and immediate exterior. At least one camera shall provide clear facial recognition of anyone entering the premises. All other cameras installed at the premises to provide identifiable images of individuals present.
3. There must always be a member of staff on the premises able to operate the CCTV system when the premises are open.
4. All CCTV footage to be retained for a minimum of 28 days and shall be made immediately available, either for viewing or in a format that can be downloaded to a responsible authority upon request within 24 hours.
5. The licensee shall obtain a town link radio and staff shall be trained in its use.
6. Two SIA accredited door staff shall be employed at the premises on Monday, Friday and Saturday nights from 23:00 to 02:00.

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7. No new customers shall be admitted to the premises after 01:45 Monday-Saturday.

### REASON FOR DECISION:

In reaching their decision to grant the application subject to the above conditions, the Sub-Committee considered both written and oral representations from the applicant and the responsible authorities.

The Sub-Committee noted that the applicant had agreed to the imposition of all the conditions. The Sub-Committee was satisfied that it was appropriate to impose the conditions to assist in the prevention of crime and disorder and public nuisance. The only issue for the Sub-Committee to consider was whether to grant the closing time of 03.00 requested by the applicant or 2:00 requested by Surrey Police. The Sub-Committee accepted the representations from Surrey Police and decided that the premises should close at 02:00 Monday to Saturday. The Sub-Committee were satisfied that requiring the premises to close prior to the local bars and clubs and taking last orders for food fifteen minutes prior to closing time would assist Surrey Police with the controlled dispersal of the public from Guildford town centre. It would also prevent the take-away from becoming a flashpoint for potential incidents and noise nuisance. Allowing the premises to remain open until 03:00 would inevitably lead to customers from the pubs and clubs congregating at the premises, particularly because it would be the only takeaway open at that time. This would inevitably lead to conflict between customers and would lead to disorder and noise nuisance. Requiring the premises to shut before the pubs and clubs would ensure that customers had no reason to remain in the town centre. Requiring the premises to take last orders 15 minutes prior to closing would ensure that the premises could fulfil all orders before the end of the licensing hours and would be able to close promptly, reducing the possibility of conflict between customers and staff.

Signature of Chairman: .....

Dated: .....