



GUILDFORD  
BOROUGH

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**Satish Mistry**  
Executive Head of Governance

Contact Officer:

Sophie Butcher (01483) 444056

18 March 2015

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING SUB COMMITTEE** to be held in the Council Chamber - Millmead House on **THURSDAY, 26 MARCH 2015** at 1.30 pm.

Yours faithfully

Satish Mistry  
Executive Head of Governance

**MEMBERS OF THE LICENSING SUB COMMITTEE**

Councillor Graham Ellwood (Chairman)  
Councillor Jennifer Jordan  
Councillor Terence Patrick

**QUORUM 3**



INVESTOR IN PEOPLE



**Guildford Borough Council**

Millmead House, Millmead, Guildford, Surrey GU2 4BB

## THE COUNCIL'S STRATEGIC FRAMEWORK

### Vision – for the borough

For Guildford to be a town and borough:

- with strong infrastructure
- world-class businesses with capacity to expand and deliver growth
- an evolving and vibrant economy which creates a progressive and sustainable environment
- for people today and future generations living in an ever improving society.

### Five fundamental themes that support the achievement of our vision

- **Infrastructure** – working effectively with partners to drive development and business growth that will expand our economy
- **Economy** – to grow a sustainable economy that will support all aspects of life in our borough.
- **Development** – to ensure that there is appropriate infrastructure, commercial space and a range of homes, built sensitively, without damaging our heritage or countryside.
- **Sustainability** – to ensure the services we provide and the borough develops and grows, in the most sustainable way.
- **Society** – to evolve a self-reliant and sustaining community, while supporting our most vulnerable residents.

### Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

### Mission – for the Council

A forward looking, efficiently run Council, working in partnership with others and providing first class services that give the community value for money, now and in the future.

### Developing our Council

To be a well led, collaborative organisation that has customer care and top quality at its heart. To have highly trained and proficient staff and councillors who challenge and learn.

## AGENDA

### ITEM NO.

#### **1. LOCAL CODE OF CONDUCT – DISCLOSABLE PECUNIARY INTERESTS**

In accordance with the revised local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

- 1.1 **Item 2 - LA2003 Committee report - Guildford Charcoal Grill (new) - 26 March 2015** (Pages 1 - 4)
- 1.2 **Appendix 1 - Site Location** (Pages 5 - 6)
- 1.3 **Appendix 2 - Record of hearing 2012** (Pages 7 - 10)
- 1.4 **Appendix 3 - Record of hearing 2013** (Pages 11 - 18)
- 1.5 **Appendix 4 - Application - Web version** (Pages 19 - 32)
- 1.6 **Appendix 5 - EH Representation** (Pages 33 - 36)
- 1.7 **Appendix 6 - Police Representation** (Pages 37 - 40)

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**LICENSING SUB-COMMITTEE**

**26 MARCH 2015**

<b>Application Type:</b>	Application for a new Premises Licence	
<b>Ward:</b>	Friary & St Nicolas	<b>Ward Councillors:</b> Cllr David Goodwin Cllr Anne Meredith Cllr Caroline Reeves
<b>Applicant:</b>	Ibrahim Yaqubi, 15 Park Street, Guildford, Surrey GU1 4XB	
<b>Applicant's Representative</b>	Levent Kubilay, Kubilay & Co, 10 Harlow Road, Palmers Green, London, N13 5QT	
<b>Premises:</b>	Guildford Charcoal Grill, 15 Park Street, Guildford, Surrey GU1 4XB	
<b>Proposal:</b>	A new premises licence to allow: <ul style="list-style-type: none"> <li>• The provision of late night refreshment</li> </ul>	

**1. SITE LOCATION AND HISTORY**

- 1.1 The premises is currently a town centre restaurant on two floors. The premises is in the vicinity of both residential and commercial properties.
- 1.2 A site location map is attached at **Appendix 1**.
- 1.3 The premises was previously licensed for the provision of Late Night Refreshment, licence reference GUPL0035, from 24 November 2005 until 12 May 2014.
- 1.4 Licence GUPL0035 was reviewed by Surrey Police in 2012, at which time the Sub-Committee amended the hours and imposed additional conditions. A record of this hearing is attached at **Appendix 2**
- 1.5 Licence GUPLA0035 was reviewed by Surrey Police in 2013, at which time the Sub-Committee revoked the premises licence. A record of this hearing is attached at **Appendix 3**. The premises licence holder appealed this decision to the Magistrates' Court who dismissed the appeal on 12 May 2014.
- 1.6 The applicant for this licence has bought the business since the revocation of licence GUPL0035 and was not the licence holder or manager of the premises when the licence was previously reviewed.
- 1.7 Since the revocation of licence GUPL0035 by the Sub-Committee in 2013, the late night bar adjacent to the premises has resumed trading. This premises was not trading when licence GUPL0035 was reviewed in 2012 or 2013.

**2. APPLICATION**

- 2.1 The applicant states the application is for a take away kebab shop. The application form, a copy of which is attached as **Appendix 4**, gives the following information in relation to the application
- 2.2 **Licensable activities:**
  - Provision of late night refreshment

Agenda item number: 1a

### 2.3 Proposed hours:

The table below shows the licensable activities and requested hours: as shown in the application form

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>(1) Provision of late night refreshment</b>							
<b>Indoors</b>	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 01:00
<b>Times premises are open to public</b>							
	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 03:00	23:00 – 01:00

### 2.4 Promotion of the four licensing objectives

In relation to the licence application, the applicant has listed the following steps to promote the four licensing objectives. Should the licence be granted, these will need to be converted to appropriate, proportionate and enforceable conditions.

1. Notices will be placed in the shop to be quiet when leaving the shop and place waste in the bins provided.
2. Joining Experience Guildford
3. Maintaining the CCTV on site
4. CCTV has been installed in the premises and will be recorded to give as evidence to police if needed.
5. No drunk customers will be served.
6. Waste bins will be provided
7. Staff will be trained to deal with customers safely and orderly.
8. Staff area is closed off and no customers can pass into the staff area/kitchen.

### 2.5 Consultation period and advertisement of the application

The application was accepted as valid on 2 February 2015, with the consultation period running from 3 February 2015 to 2 March 2015. The applicant failed to advertise the application in a newspaper within 10 working days, as required by the regulations, which led to the extension of the consultation period until 13 March 2015. The application was advertised by means of a notice at the premises throughout the extended consultation period.

## 3. RELEVANT REPRESENTATIONS RECEIVED DURING CONSULTATION PERIOD

### (i) Representations from Responsible Authorities

**(a) Environmental Health (Pollution control):** One representation on the grounds of prevention of public nuisance received 12 February 2015. A copy of this representation is attached as **Appendix 5**.

**(b) Surrey Police:** One representation on the grounds of prevention of crime and disorder received 20 February 2015. A copy of this representation is attached as **Appendix 6**. This representation refers to flyers being distributed by the applicant advertising a delivery service. The applicant has indicated during the consultation period that they wish to offer a delivery service. This would require an amendment to the application for the provision of late night refreshment both indoors and outdoors.

### (ii) Representations from other persons

No relevant representations were received from other persons.

#### 4. LICENSING POLICY

The following sections of the Council's Licensing Policy are relevant:

- Section 5: (Fundamental Principles)
- Section 9: Paragraphs 9.1 – 9.8 (Prevention of Crime & Disorder)
- Section 11: Paragraphs 11.1 – 11.6 (Prevention of Nuisance)
- Section 13: Paragraphs 13.1 – 13.4 (Licensing hours)

#### 5. NATIONAL GUIDANCE

The following sections of the Guidance issued in October 2014 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraphs 2.1-2.7 – Crime and disorder
- Paragraphs 2.18-2.24 – Public nuisance
- Paragraphs 9.30-9.40 – Hearings
- Paragraphs 9.41-9.43 – Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraphs 10.1-10.69 – Conditions

#### 6. MANDATORY CONDITIONS

—If granted, the following mandatory condition will be attached to the licence, if the Sub-Committee consider it appropriate to impose a condition requiring the applicant to provide door supervisors:

##### **Door supervision**

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)

#### 7. RECOMMENDATION:

- (I) The Sub-Committee are requested to consider the application for the grant of a premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 18(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions.
- (III) Having regard to the relevant representations made during the consultation period, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
  - To impose additional conditions on the licence which are appropriate for the promotion of the licensing objectives, proportionate and which deal with the concerns of those making representations;
  - To exclude any of the licensable activities from the scope of the licence; or
  - To reject the application.

##### **Originator:**

Peter Muir, Licensing Compliance Officer

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Appendix 1 - Site Location



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<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING:</b>	8 May 2012
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Gordon Jackson (Chairman) Councillor Richard Billington Councillor David Elms
<b>OFFICERS PRESENT:</b>	Peter Muir (Licensing Compliance Officer) Ola Olaluwoye (Committee Services) Bridget Peplow (Senior Solicitor)
<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>	Review of a premises licence under Sections 51 and 52 of the Licensing Act 2003, Premises licence number GUPL0035.
<b> GROUNDS FOR REVIEW:</b>	Surrey Police, a responsible authority under the Licensing Act 2003, has called for a review on the grounds of prevention of crime and disorder, public safety, and the prevention of public nuisance. Surrey Police state that there have been a number of incidents, including assault, public order and anti-social behaviour offences at the premises. The premises have been warned several times for serving customers after their licensed hours. Surrey Police have serious concerns about the CCTV system on site as staff have been unable to download the footage for officers, and the system automatically deletes the images after one week.
<b>APPLICANT:</b>	Sgt Amy Buffoni and Colin Whitear for Surrey Police
<b>PREMISES LICENCE HOLDER:</b>	Mr Ilhaz Sasmaz
<b>OTHER PERSONS IN ATTENDANCE:</b>	<u>For the premises licence holder:</u> Mr Vedanet Yorulmaz Miss Kader Yorulmaz  <u>Others:</u> Cllr Anne Meredith

**DETAILS OF DECISION TAKEN AND REASONS THEREFORE:**

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted both in writing and orally at the hearing. The Sub-Committee was also made aware that the following were relevant:

## Guildford Borough Council's Statement of Licensing Policy

- Section 5: Fundamental Principles
- Section 9: Paragraphs 9.1 – 9.8 (Prevention of Crime & Disorder)
- Section 10: Paragraphs 10.1 – 10.8 (Public Safety)
- Section 11: Paragraphs 11.1 – 11.6 (Prevention of Public Nuisance)
- Section 13: (Licensing Hours)

## National Guidance Issued by the Secretary of State under Section 182 of the Licensing Act 2003:

- Paragraphs 2.1 to 2.16 (Crime and Disorder)
- Paragraphs 2.17 to 2.32 (Public Safety)
- Paragraphs 2.33 to 2.40 (Public Nuisance)
- Paragraphs 9.1 to 9.41 (Determining Applications)
- Paragraphs 10.1 to 10.42 (Conditions)
- Paragraphs 11.1 to 11.31 (Reviews)

The Sub Committee noted the application by Surrey Police to review the premises licence, including a list of incidents that took place at the premises between 1 January 2011 and 9 March 2012. These incidents included two of actual bodily harm, five of anti social behaviour, one of criminal damage and two for cause for alarm and distress.

The Sub Committee also received oral evidence from Surrey Police in support of their written representation. This included:

- details of incidents that demonstrate the premises as a flashpoint for violence amongst customers leaving other licensed premises in the local area around closing time;
- the premises serving customers beyond its licensable hours, despite having received warnings from both the Police and the Council's Licensing department;
- details of an incident where a member of Guildford Charcoal Grill's staff had been assaulted. The Police made several requests for the CCTV footage of the incident, before being told it had been wiped from the system and that not all members of staff were sure how to use it;
- an account of the premises having only employed door staff for one night, and it remained unclear why this was when there is an expectation that door staff would enforce the premises closing hours, noting that other late night refreshment premises in the area that employed SIA-approved door staff had experienced a reduction of crime-related incidents in and around their premises;
- an account of a recent incident where, whilst on the way to attending to an incident at another location in the area, the Police passed Guildford Charcoal Grill, where an incident had clearly just taken place, but without the police having received any notification or report of it.

The Police concluded that they appreciated that it was not Guildford Charcoal Grill's fault that people were drunk, but the conditions requested in their application would help prevent the premises being a flash point for crime in the town centre. Noting that other late night refreshment premises on Bridge Street close as early as 02.00, the Police said they were unsure of the benefit of a 10 minute closing time, as there is nowhere in the premises for people to sit down. The problem seemed to be that queues built up around closing time, leading to problems when the venue needed to close. This could be addressed by bringing forward the closing time, so that it closed before the clubs and pubs, particularly the Casino.

The Sub Committee considered the premises licence holder's response to Surrey Police, including:

- The business makes most of its money after midnight;
- The CCTV is in operation 24 hours a day, but he was on holiday when the incident referred to by Surrey Police occurred;
- There was an incident a few years ago where even after they had closed the premises, a customer banged on the door demanding to be served and broke one of the windows;
- If the business were to close at 2.30am, it could reduce their profits by half. If the business were allowed to stay open until 3.30am, there would be less problem with angry customers as it was agreed that the 3.00 am closing time was a flashpoint;
- The reason why there was a problem giving CCTV footage to the Police was because it was a new system and they were not sure how to operate it. This had been resolved and staff could now operate it. The footage could be kept for 2 months.
- A door supervisor had been engaged, but the contract had been cancelled when he did not turn up.

The Chair took the premises licence holder through the Police's recommendations for conditions to be placed on the premises licence and he confirmed he was happy to accept them. The Chair also made it clear that if the recommendations became conditions on their licence, he would not be able to operate without approved door staff. The Police also explained that a number of SIA-approved door staff do not work with premises who do not use the Town Link Radio system.

The Licensing Officer reminded the Sub Committee that a review of a licence could modify existing conditions, but if the licence holder wanted to extend his licensable hours, he would have to apply for a variation.

RESOLVED: The licensable hours shall be reduced on Friday and Saturday from 3.30 am to 3.00 am. In addition the closing times shall be 3.00 am Monday to Saturday and 1.00 am on Sunday.

in addition the Sub committee imposed the following conditions:

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. One SIA accredited door supervisor shall be employed at the premises on Friday and Saturday from 23:00 to closing.
- 6. The licensee shall obtain a town link radio and staff shall be trained in its use.

**REASON SFFOR THE DECISION**

Having considered both written and oral representations from the police and oral representations from the premises licence holder, the Licensing Sub Committee considered that the Police had demonstrated that the current licensable hours and closing times were the cause of the crimes and anti-social behaviour occurring at the premises. The Sub-Committee noted the police view that the problems were related to the clubs in the area closing at 3.00 – 3.30 am and therefore considered that an earlier closing time on Friday and Saturday would prevent these problems occurring. The Sub-Committee considered that this closure time was appropriate to promote the crime and disorder licensing objective and would still provide an opportunity for the business to trade profitably. In addition the Sub-Committee considered that the additional 10 minutes before the premises closed was causing problems, as customers expected to be served whilst the premises were open. The police had referred to an incident when customers forced their way in to the premises whilst customers already on the premises were being let out. To avoid these problems the Sub-Committee considered it appropriate to remove this source of conflict by requiring the premises to close at the same time as they stopped serving.

The Sub-Committee also considered that the conditions proposed by the Police and which the licensee was in agreement with were appropriate to help prevent crime and disorder in and around the premises, namely:

- 1. the conditions relating to CCTV would assist police investigations of criminal activity taking place at the premises, noting that the premises licence holder confirmed that staff have been trained on how to use the newly installed CCTV system ;
- 2. the employment of SIA-accredited door staff would assist in the premises closing at the end of its licensed hours
- 3. the use of the town link radio would both notify police of criminal activity taking place in or near the premises and alert the premises to any potential trouble towards them;
- 4. .

Signature of Chairman: .....

Dated: .....

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING:</b>	4 November 2013
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor David Elms (Chairman) Councillor Christian Gilliam Councillor Keith Taylor
<b>OFFICERS PRESENT:</b>	Sophie Butcher (Committee Manager) Krystelle Kamola (Licensing Compliance Officer) Bridget Peplow (Senior Solicitor)
<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>	Review of a premises licence under Sections 51 and 52 of the Licensing Act 2003, Premises licence number GUPL0035.
<b>DETAILS OF APPLICATION SOUGHT:</b>	Surrey Police, a responsible authority under the Licensing Act 2003, called for a review on the grounds of prevention of crime and disorder and public safety. This followed an incident in the early hours of Tuesday 3 September 2013. A fight broke out inside the venue 15 minutes after the premises should have been closed in accordance with their authorisation. This resulted in serious assault and affray and the arrest of five members of the public.
<b>APPLICANT:</b>	Surrey Police (represented by DI Amy Buffoni, Sgt Helen Budd, Sgt Lynette Shanks and Colin Whitear)
<b>PREMISES LICENCE HOLDER:</b>	Mr Vedanet Yorulmaz
<b>PREMISE LICENCE HOLDER REPRESENTATIVE:</b>	Ms Emma Harris
<b>RESPONSIBLE AUTHORITIES:</b>	Licensing Authority (represented by Peter Muir (Licensing Compliance Officer))

<b>OTHER INTERESTED PERSONS:</b>	Ward Councillors Anne Meredith, David Goodwin and Caroline Reeves (not in attendance)
<b>OTHER PERSONS IN ATTENDANCE:</b>	Press <u>For the premises licence holder:</u> Interpreter for Premises Licence Holder Mr Ilhan Sasmaz

**DETAILS OF DECISION TAKEN:**

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted both in writing and orally at the hearing. The Sub-Committee was also made aware that the following were relevant:

Guildford Borough Council's Statement of Licensing Policy:

- Section 5: Fundamental Principles
- Section 9: Paragraphs 9.1 – 9.8 (Prevention of Crime & Disorder)
- Section 10: Paragraphs 10.1 – 10.8 (Public Safety)
- Section 11: Paragraphs 11.1 – 11.6 (Prevention of Public Nuisance)
- Section 13: (Licensing Hours)

National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003:

- Paragraphs 2.1 to 2.7 (Crime and Disorder)
- Paragraphs 2.8 to 2.17 (Public Safety)
- Paragraphs 2.18 to 2.24 (Public Nuisance)
- Paragraphs 9.1 to 9.41 (Determining Applications)
- Paragraph 10.1 to 10.61 (Conditions)
- Paragraph 11.1 to 11.30 (Reviews)

The Sub Committee considered the application by Surrey Police to review the premises licence. An incident occurred on Tuesday 3 September 2013 whereby a fight broke out inside the premises at approximately 03:15 hours, fifteen minutes after the premises should have been closed. On 31 October 2013, the Licensing Services team received an application to transfer the premises licence from Mr Ilhan Sasmaz to Mr Vedanet Yorulmaz with immediate effect.

Surrey Police requested permission to submit additional photographic evidence of further breaches committed since the original review application was submitted. The Senior solicitor advised the sub-committee that, in accordance with The Licensing Act 2003 (Hearings) Regulations 2005, documents could only be considered by the Sub-Committee if they had been produced before the hearing or at the hearing



with the consent of all other parties. The Licence holder's representative indicated that she had not seen the documents previously and did not consent to their production. The Sub-Committee therefore had no discretion and did not consider the additional evidence.. .

The Sub Committee received oral evidence from Surrey Police in support of their written representation. This included:

- The fact that Surrey Police called a review of the premises Charcoal Grill in May 2012. As a result of that review, the premises licensable hours on Fridays and Saturdays were reduced from 3.30am to 3.00am. In addition the closing time was reduced to 3.00am Monday to Saturday and 1.00am on Sunday. In addition, a total of six conditions were imposed as detailed below:
  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. One SIA accredited door supervisor shall be employed at the premises on Friday and Saturday from 23:00 to closing.
  6. The licensee shall obtain a town link radio and staff shall be trained in its use.
- In January 2013 Surrey Police found that Charcoal Grill did not have door supervisors in attendance on either a Friday or Saturday night. The reason given by the persons managing the shop was that it was quiet in terms of trade at that time of the year and therefore an unnecessary expenditure.
- On 3 September 2013, a serious affray occurred both inside and outside the premises. At this point in the hearing, the Sub Committee agreed to Surrey Police showing the CCTV footage referred to in their application, which had been obtained from the Town Centre CCTV facility. The CCTV footage showed a male assaulting someone inside the premises. There were approximately 12-15 customers inside the premises. A female was then pulled to the floor by her hair and the employees continued to serve customers. The fight spilled out onto the street. A male is assaulted by two males who walk away when the police arrive. Customers continued to be served at 03:21 and at 03:23; a male was seen leaving the premises with a bag of food just purchased.

The Sub Committee received clarification that:

- The CCTV operator made the 999 emergency phone call about the assault happening at Charcoal Grill on 3 September. At no point did the employees at Charcoal Grill make a 999 call to report the incident.
- Customers were still leaving and entering the premises post 3am. Had the premises been closed, the incident may not have occurred.
- Surrey Police requested a copy of the CCTV footage on 4 September 2013 in the afternoon from an employee at the premises Charcoal Grill. The employee was not trained to download the footage and was therefore unable to provide it.

The Police concluded that Surrey Police worked very hard to reduce violence and related crimes in Guildford. A 30% reduction in crime in Guildford had been achieved overall by reducing the operating hours of other fast food outlets in town.

The Sub Committee also heard from the Licensing Authority that the premises licence holders repeated breaches of the licensing conditions, which had occurred over the last two years, were unacceptable. The steps taken by the management team to mitigate these breaches were not evident and had not resulted in an improvement.

In response to the application, the premises licence holder's submissions were that:

- Neither Mr Sasmaz nor Mr Yorulmaz were in the country at the time the serious affray occurred on 3 September 2013. Mr Yorulmaz had been away for two months, but this was not a regular occurrence.
- Mr Sasmaz had been the registered premises licence holder for some time, however he had limited involvement with the running of the business. Mr Yorulmaz worked at the premises for six days a week and Mr Sasmaz would ordinarily cover for Mr Yorulmaz if he was away. On 3 September, only two members of staff were present when the affray occurred. The conditions imposed as part of the Review in May 2012 did not require SIA approved staff to be in attendance on a Monday night/Tuesday morning.
- On 3 September at 2:50am, one employee attempted to staff the door whilst the other employee continued to serve customers, however customers who were rowdy and drunk overwhelmed the employee staffing the door.
- Mr Yorulmaz applied to have the premises licence transferred into his name from Mr Sasmaz on 31 October 2013, this was considered a positive step forward.
- Mr Sasmaz has brothers that could help manage the premises should both he and Mr Yorulmaz be out of the country again
- It was accepted by Mr Yorulmaz and Mr Sasmaz that nobody was able to provide the CCTV footage as requested by Surrey Police on 4 September 2013. The CCTV footage has since been provided to Surrey Police, but not within the prescribed time required.
- Mr Sasmaz and Mr Yorulmaz did not deny the breaches which had occurred but did not consider that they had taken place as frequently as suggested

- There was only one week in January when there was no door supervisor in accordance with the conditions of the licence. Surrey Police had spoken to the premises licence holder and there had been no further breaches of this condition since then. The premises were very quiet during this week and the door supervisor was sick so the management let him have time off.
- There had been insufficient staff available on the night in question which was a student night (Monday). There was no requirement to have door staff on Mondays. The management therefore proposed to employ SIA accredited door staff on a Monday night to manage the expected increase in customer footfall.
- The business makes most of its money between the hours of 1am – 3am. Charcoal Grill was a very small business, therefore any reduction in hours would hit them hard financially.
- The flash point for potentially rowdy and drunk customers was when the clubs in Guildford closed around 3am, therefore the management suggested that the premises could either close prior to 3am or would like a variation of the hours so they could close later. (The Senior Solicitor confirmed that this request for a variation in the licensable hours was not a matter which the Sub Committee could consider at the hearing and an application for variation would need to be made).

The Sub Committee requested clarification on the following points:

- In May 2012, as a result of a review requested by Surrey Police, a number of conditions were imposed, the majority of which had evidently not been adhered to by the management. The Sub Committee therefore asked what assurances the premises licence holder could give that SIA accredited door staff would be employed on a Monday night when the condition requiring door staff had been disregarded in January 2013.
- The premises licence holder reiterated that it was only for one week in January when SIA door staff were not present. SIA accredited staff were now in place and had been present on Monday nights for the last three weeks.
- The Sub Committee was also concerned that the employees placed no emergency call on the night of the affray on 3 September.
- The Sub Committee was informed that as the employees did not speak English fluently they were not minded to call the Police as they would have been asked detailed questions, which they would not have been able to respond to. The Police clarified that the premises was installed with a radio link, which would have placed an emergency call without requiring the employees to answer detailed questions.
- The Sub Committee heard that the door staff operated the radio link but as they were not required on a Monday night, nobody was available to operate it.

Having considered all the written and oral representations, the Sub-Committee,

RESOLVED: That the premises licence GUPL0035 be revoked for the reasons detailed below:

**REASON FOR DECISION:**

Having considered both written and oral representations from the police and the Licensing Authority, written representations from the Ward Councillors and oral representations from the premises licence holder, the Licensing Sub Committee considered that the premises management's approach towards upholding the licensing objectives had shown a significant level of complacency. Given the history of the premises and the fact that this was the second review hearing required by Surrey Police, the Sub Committee was not confident that the management were willing or able to undertake any improvements to ensure that the premises was effectively managed to prevent serious affrays such as occurred on 3 September 2013 and to protect the public from harm.

The Sub-Committee was extremely concerned to note that the premises licence holder had failed to comply with 4 of the 6 conditions imposed on the licence following the previous review and had provided no adequate explanation for their lack of compliance. The Sub-Committee noted that many of the issues raised in this review had been raised at the time of the previous review, namely operating beyond their licensed hours, failure to employ door staff and failure to operate the CCTV system. The Sub-Committee also noted that the premises licence holder had given the same reason for the problems occurring at the time of the last review, namely that he was on holiday when incidents occurred. It was clear to the Sub-Committee that the management were not committed to operating in accordance with the conditions of the licence and appeared to put financial considerations above the prevention of crime and disorder and public safety by failing to ensure that the premises were staffed appropriately and that the staff were adequately trained. The Sub-Committee considered whether a further variation in the licensing hours and/or the imposition of additional conditions would remedy the problems.

The Sub Committee agreed that changing the licensable hours for late night refreshments at Charcoal Grill would not assist the Police in managing crime and disorder in Guildford. The hours had already been reduced from 3:30am to 3:00am as part of the Review held in May 2012 and these hours had not been effectively managed and adhered to. The Sub-Committee were not confident that additional conditions would be complied with. The management had failed to plan ahead to ensure that the premises was sufficiently staffed and that staff were appropriately trained when key members of management were taking significant periods of time off work to go on holiday. The management had failed to train staff in the operation of the CCTV equipment and radio link facility and had failed to ensure SIA accredited door staff were at the premises for one week in January 2013. The management had only recently started to take action to address the failures in complying with four of the six conditions as imposed following the Review in May 2012. This was some two months after the serious assault had taken place on 3 September 2013. The Sub-Committee had not been reassured by the management that they had learnt lessons from the previous review and were committed to operating the premises in accordance with the terms of the licence and to upholding the licensing objectives. The Sub-Committee noted that the Home Office guidance (paragraph 11.25) stated that where premises were trading irresponsibly the licensing authority should not hesitate, where appropriate, to take tough action to tackle the problems and where other measures are deemed insufficient, to revoke the licence. As lesser measures had already been tried and had failed to deal with the problems, the Sub Committee considered it appropriate therefore to revoke the premises late night refreshments licence so that the premises would not be able to trade after 11pm Monday – Sunday.

Signature of Chairman: .....

Dated: .....

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**Guildford**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@guildford.gov.uk](mailto:licensing@guildford.gov.uk)  
 Telephone: 01483 444371

\* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?  Yes  No

\* Is the applicant's business registered outside the UK?  Yes  No

\* Business name  If the applicant's business is registered, use its registered name.

\* VAT number   Put "none" if the applicant is not registered for VAT.

Continued from previous page...

\* Legal status Sole Trader

\* Applicant's position in the business OWNER

Home country United Kingdom

The country where the applicant's headquarters are.

**Applicant Business Address**

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

\* Building number or name 15 Park Street, ,

\* Street City Centre

District

\* City or town Guildford

County or administrative area

\* Postcode GU1 4XB

\* Country United Kingdom

**Agent Details**

\* First name LEVENT

\* Family name KUBILAY

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Is your business registered outside the UK?  Yes  No

\* Business name KUBILAY & CO

If your business is registered, use its registered name.

\* VAT number GB 201188546

Put "none" if you are not registered for VAT.

\* Legal status Private Limited Company



*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 19**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes
- No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes
- No

*Continued from previous page...*

**Applicant Postal Address**

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes                       No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes                       No

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd                      mm                      yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd                      mm                      yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

*Continued from previous page...*

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

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

Continued from previous page...

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor  
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

WE HAVE NOT SUBMITTED THE SITE PLANS AS THERE HAS BEEN NO CHANGES TO THE SHOPS PREMISES, THIS IS THE SAME AS BEFORE AS NO CHANGES HAVE BEEN MADE ONLY OWNERSHIP HAS CHANGED.

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

*Continued from previous page...*

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

NOTICES WILL BE PLACED IN THE SHOP TO BE QUITE WHEN LEAVING THE SHOP AND PLACE WASTE IN THE BINS PROVIDED. JOINING EXPERIENCE GUILDFORD. MAINTAINING THE CCTV ON SITE

b) The prevention of crime and disorder

CCTV HAS BEEN INSTALLED IN THE PREMISES AND WILL BE RECORDED TO GIVE AS EVIDENCE TO POLICE IF NEEDED.

c) Public safety

CCTV HAS BEEN INSTALLED IN THE PREMISES

d) The prevention of public nuisance

NO DRUNK CUSTOMERS WILL BE SERVED, WASTE BINS WILL BE PROVIDED

e) The protection of children from harm

NO ACHOL IS BEING SERVED, STAFF WILL BE TRAINED ON HOW TO DEAL WITH CUSTOMERS SAFELY AND ORDERLY. THE STAFF AREA IS CLOSED OFF AND NO CUSTMOERS CAN PASS INTO THE STAFF AREA/ KITCHEN.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non&nbsp;domestic rateable&nbsp;value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee



**Continued from previous page...**

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

MR IBRAHIM YAQUBI

\* Capacity

OWNER

\* Date

12 / 01 / 2015  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/guildford/apply-1> to upload this file and continue with your application.

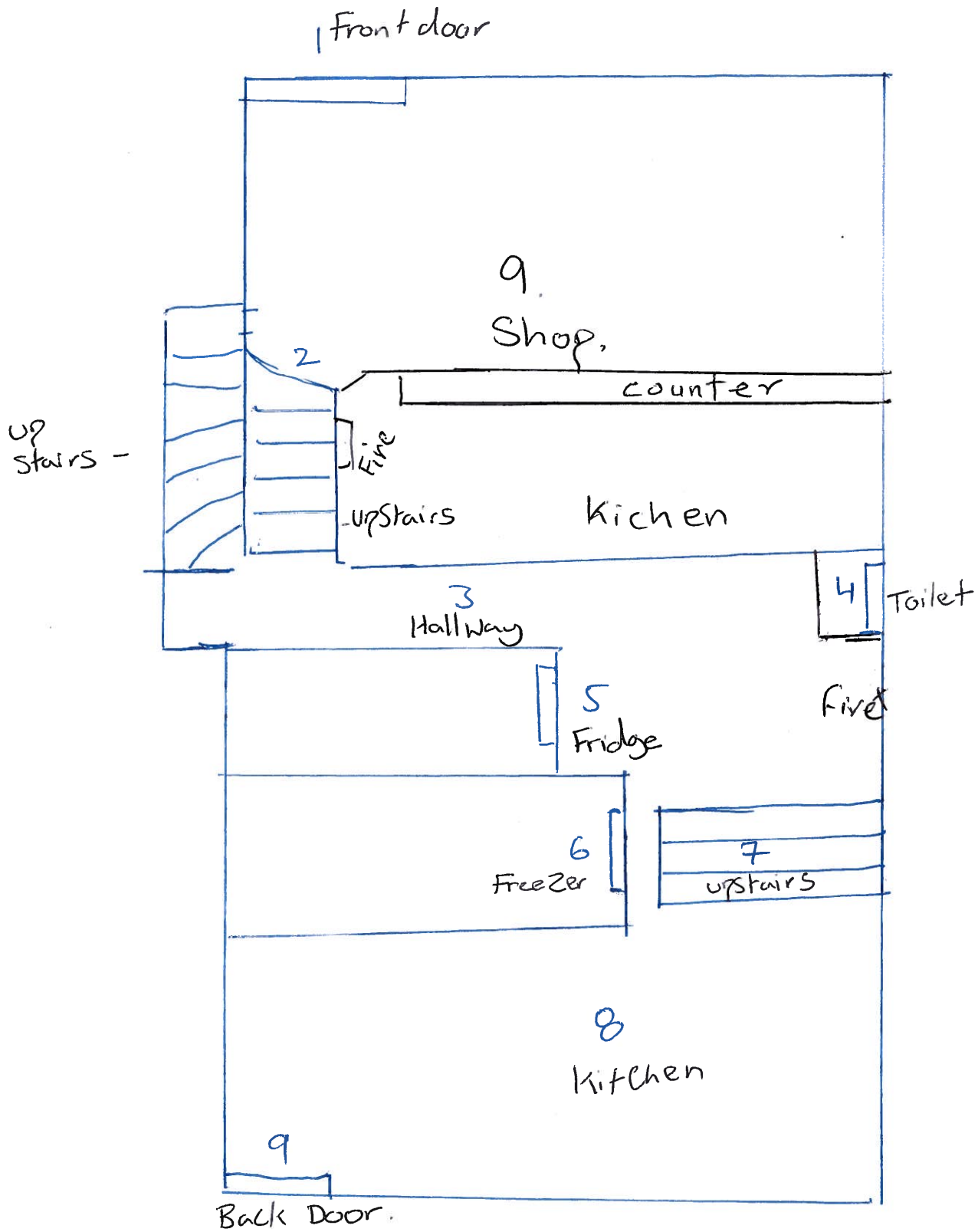
Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

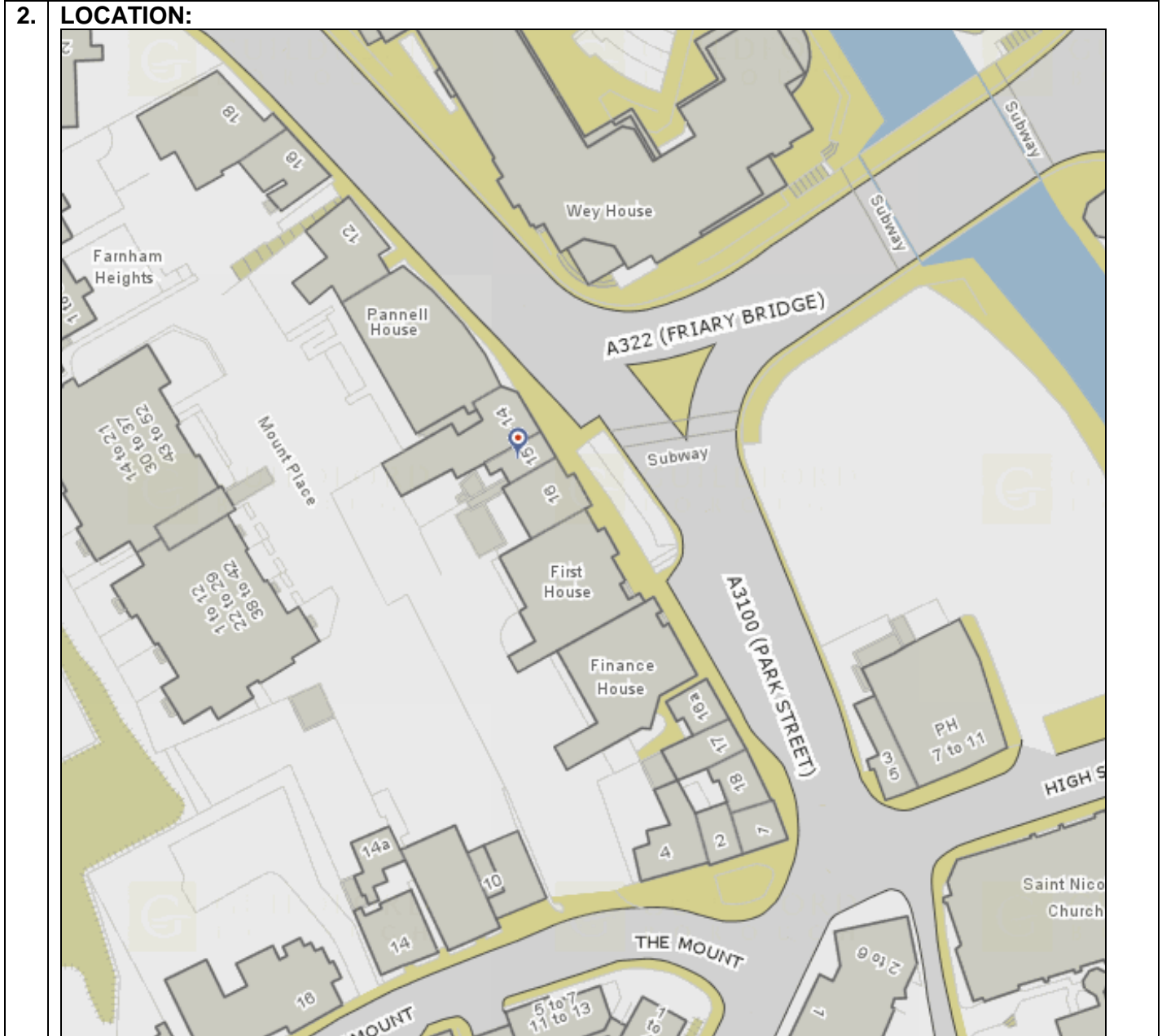
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**LICENSED PREMISES**  
**ENVIRONMENTAL PROTECTION REPORT**

**1. NAME AND ADDRESSES OF PREMISES:**  
Guildford Charcoal Grill, 15 Park Street, City Centre, Guildford, GU1 4XB



The premise is located to the west of A3100 (Park Street). The properties in the vicinity are mainly commercial with few residences (Flats in the First House, 16 Farnham Road). There are properties at the back of Park Street, which can be accessed through stairs between 12 and 16 Farnham Road.

There is a licensed premise next to Guildford Grill, Thirty3 Hz.

**3. OPERATION:**  
(Description of operating schedule)

	Currently operating as take-away till 11.00pm, no entertainment activity or alcohol provided.
<b>4. NOISY ACTIVITIES:</b>	
<b>A. ENTERTAINMENT</b>	No amplified music.
<b>B. OPERATING HOURS</b>	<b>Take away service from 23.00hrs – 0300hrs, Monday-Saturday; 2300hrs – 0100hrs on Sunday</b>
<b>C. BEER GARDEN</b>	<b>No</b>
<b>D. CAR PARK</b>	<b>No</b>
<b>E. PLANT AND EQUIPMENT</b>	<b>No details given.</b>
<b>F. DISPOSAL OF BOTTLES AND WASTE</b>	<b>No details given.</b>
<b>5. ANCILLIARY ACTIVITIES:</b>	
<b>COOKING ODOURS</b>	<b>No details given.</b>
<b>OUTDOOR BARS AND BAR-B-CUES</b>	<b>No.</b>
<b>6 LIGHTING</b>	<b>No details given.</b>
<b>7. ANALYSIS REPORT</b>	<p>The applicant do not propose to provide amplified entertainment.</p> <p>The applicant has mentioned of displaying notices, requesting their customers to leave the premises quietly.</p> <p>This department has recently investigated a complaint (April – May 2014) of noise due to people walking past, shouting and chanting, allegedly the customer from licensed premise at 16 Park Street called Thirty3 Hz.</p> <p>Permitting the Charcoal Grill to open till such late hours may result in increased noise disturbance, in an already affected area.</p>
<b>8. RECOMMENDATIONS</b>	<b>Consideration may be given to revised/reduced operating hours.</b>
<b>9. CONDITIONS</b>	

**Officer's name: Anjana Papnai**

**Date of report: 12th February 2015**

**Time spent on investigation: 21/2 hrs (including site visit)**

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Licensing Manager  
Guildford Borough Council  
Millmead House  
Millmead  
Guildford  
GU1

20/02/15

**Ref: - Application for a Premises Licence for Charcoal Grill**

Dear Sir /Madam

Surrey Police, as a Responsible Authority under Section 13(4) (a) of the Licensing Act 2003, wish to make a formal representation against the application for a premises licence in respect of the premises named above, on the grounds of the Prevention of Crime and Disorder.

Charcoal Grill is situated in Park Street, just a small walk from Bridge Street where the main late night bars are situated.

There is also a late night bar call Thirty Three Hertz located next door to the Charcoal Grill; this has a late licence and closes at 02:30.

There are a number of residential properties in Park Street.

There have been issues in the past when Charcoal Grill had a late licence to serve food until 03:00.

There have been a number of noise complaints and complaints of anti- social behaviour which have come from local residents. These complaints have been during the hours of 24:00 to 03:15.

**Charcoal Grill history: -**

The premises licence was reviewed by Surrey Police in May 2012 where conditions were placed onto the licence.

The premises licence was again review by Surrey Police in November 2013 when the licensing committee revoked the licence. This decision was appealed in May 2014. This appeal was refused at Magistrates court so licence remained revoked.

Please note at the time of both reviews the bar Thirty Three Hertz was not open.

We understand that the premises now is under new ownership.

Surrey Police and representative from Guildford Bough Council's licensing department met with the new owner Mr Yaqubi in December 2014. An expression was made by the new owners to apply for a late night refreshment licence. Several points were raised by Surrey police and the Council licensing officer to Mr Yaqubi as to how the premises could manage the licensing objectives, to mitigate the problems the premises had in the past. These would include door supervision, town link radio and CCTV.

Dispersal from the town is an important priority for the police with late night takeaways remaining open after the clubs and bars are closed. Historically these are a well-known flash points for incidents where groups from different venues come together this is a potential for violence, anti-social behaviour and noise.

Looking at the application regarding licensing objectives, references only appear to be made to having CCTV and how staff will be trained in dealing with customers safely and orderly. There are no additional suggestions on how the premises will deal with Crime and Disorder, Public Safety and Public Nuisance

**Taking the above points in the application: -**

- A) CCTV
- B) The staff to be trained to deal with customers
- C) No drunk customers to be served

A) CCTV condition to be reworded (see proposed conditions on old licence GUPPL0035 attachment A)

B) Surrey Police believe that staff will be put at risk trying to deal with customers especially if they are intoxicated; it is recommended that SIA approved door supervisors are used to assist with control of customers.

C) It is difficult for staff to determine a "drunk customer." On what basis would staff assess this? Refusing intoxicated customers can lead to conflict again this is why Surrey police believe there is a need for door supervision.

In order to deal with points B & C Surrey Police request that the venue employs one Security Industry Authority (SIA) approved door supervisor from 23:00 until closing.

**Application requested times: -**

The applicant has requested the hours of 23:00 to 03:00 closed. This is a main concern for Surrey Police and indeed was one of the main issues which led to the review of the premises licence back in November 2013. People leaving the late night venues in Bridge Street and the premises next door make for late night food outlets; the nearest late night takeaways in the location of Bridge Street close at 02:30. These being Subway, Bedford Road and Burger King, North Street. Last orders for food being fifteen minutes before closing. Both venues have door supervision. Bearing in mind that the premises Thirty Three Hertz closes at 02:30 it will be an expectation that customers from this premise may try to obtain food at 02:30, therefore Surrey Police would recommend the premises Charcoal Grill is closed at 02:00 before with last orders being taken fifteen minutes before closing.

One of the issues with late night takeaways is the period before closing. There are often times when customers will order food five minutes before closing; by the time the order is completed and customers have eaten they will leave well after that time. It is therefore our suggestion that the premises receives its last food order fifteen minutes before its closing time

See attachment (A) Surrey Police request these conditions be attached to any new premises licence issued, with the addition to Annex B5 to include Monday nights

**Delivery service: -**

There is no mention in the application relating to food delivery, however flyers given out clearly state the premises offers a delivery service up until 01:00, it will be needed to confirm if the delivery service will continue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Oldham', with a long horizontal flourish extending to the right.

T / Inspector Andy Oldham  
Guildford Borough

ATTACHMENT (A.)



GUILDFORD  
BOROUGH

Licensing Act 2003

**GUPL0035**

**Premises Licence**

**ANNEXES**

**A: Conditions as set out in the application operating schedule**

1. A poster will be displayed advising customers to leave quietly.
2. A litter pick will take place at the end of trading outside the shop and surrounding areas.

**B: Conditions imposed by the Sub committee at the review hearing on 08 May 2012:**

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. One SIA accredited door supervisor shall be employed at the premises on Friday and Saturday from 23:00 to closing.
6. The licensee shall obtain a town link radio and staff shall be trained in its use.

