

<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: .....