

The Licensing Officer  
Guildford Borough Council  
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GU2 4BB

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Your Ref:  
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4 October 2023

Dear Sir,

**GUPLA00574 – Guildford Charcoal Grill  
Licensing Authority Representation to Review Application by Surrey Police**

Guildford Borough Council, the Licensing Authority, acting as its capacity as a Responsible Authority under the Licensing Act 2003 are making representation in support of the Review application made by Surrey Police under reasons of crime and disorder and public safety.

Late night take-aways are traditionally well known flash points for incidents after customers leave bars and clubs in search of food and it is therefore imperative that premises licensed for late night refreshment are well managed to manage these risks and therefore uphold the Licensing Objectives. The premises has a chequered history with disorder associated with the premises which culminated in the revocation of the previous licence in 2013 under previous management.

As the Police's review application sets out, the Premises Licence GUPLA00574 contains a number of conditions which are important for the upholding of the licensing objectives. The Review follows an incident at 03:50 hours on Saturday 8 July where customers had just been served food at the premises and subsequently been involved in a serious violent assault. The times and conditions attached to the premises licence require the Charcoal Grill not to allow any new customers entry after 03:00 and to close at 03:15. It is therefore clear that these customers should not have been permitted access to the premises and had they not been served with food, the incident may have been avoided. Whilst the assault is the actions of the individual who allegedly committed it, ultimately the premises licence holder must retain some responsibility.

It is also an offence under section 136 of the Act to operate otherwise in accordance with an authorisation. The safe management of premises and dispersal from the town is not just an important priority for the Police, but also wider partners including the Council as it seeks to reduce incidents of crime and disorder through a number of mechanisms, including the Licensing Act itself, the Purple Flag award and Safer Guildford Partnership. Therefore an incident such as this at a licensed premises raises concern which causes the Licensing Authority and partners to consider it is appropriate for such a permission to be retained.

Following the incident Licensing Officers and Police met with the licence holder Mr Mutlu Temur on two occasions to discuss the matter and seek Mr Temur's co-operation with ensuring measures were in place to prevent this type of incident from recurring. The Police suggested that Mr Temur voluntarily reduce his hours until 02:00 hours so that the premises did not open towards the time which late night venues began to close and thus reduce the potential for disorder, a request which Mr Temur considered and refused.

On 1 August Mr Temur made further counter suggestions to improve promotion of the licensing objectives by offering to:

- Increase SIA staff until 03.30 hours when staff have finished cleaning
- To have a town link radio
- To put up blinds to show customers they are closed.

He also expressed regret at incident again and assured us that he would be completely compliant. He also asked for more police patrols and assured Council and Police that if anything happened again then licence could be revoked.

Licensing Officers advised Mr Temur that current licence already requires the premises to use a townlink radio and have blinds installed. He is also required to risk assess the use of SIA staff whereby if the door is still open whilst he is cleaning, it is not unreasonable to suggest his risk assessment would have identified that there should be SIA staff on hand. As such Mr Temur was advised that he was not offering anything which he shouldn't already be doing, and it was somewhat concerning that he considered these to be new measures designed to reduce the likelihood of incidents. This demonstration by Mr Temur of proposing to undertake measures he should already be complying with raise serious concern about his ability to operate a high risk licensed premises.

The Council has adopted a Statement of Licensing Policy setting out how it will discharge its functions, with the following sections of the Council's Licensing Policy stating:

#### Section 4: Fundamental Principles

Paragraph 4.3: Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club premises certificate will be focused on matters which are within the control of individual licensees.

#### Section 12: Promoting the four licensing objectives

Paragraph 12.5: The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives.

Paragraph 12.1.1: Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.

Therefore, through its Licensing Policy, the Council expects that holders of premises licences will ensure that every reasonable measure is taken to promote the licensing objectives with responsible management, including complying with licence conditions being essential.

The current conditions attached to the premises licence include:

- The licensee shall obtain a town link radio and staff shall be trained in its use.
- The premises management shall carry out ongoing risk assessments of the need to employ SIA accredited door staff, taking the advice of the Surrey Police if there are any local events taking place.



- When SIA door staff are required, at least one SIA accredited door staff shall be employed at the premises from 23:00 to mid-night and at least two SIA accredited door staff from mid-night until the premises closes to the public.
- No new customers shall be admitted to the premises after 03:00 hours Monday-Saturday and all customers shall leave by 03:15 hours. For Sunday, no new customer shall be admitted to the premises after 00:45 hours and all customers must leave by 01:00 hours.
- The premises is required if it continues to provide food and beverages via a delivery service past 02:45 hours (until 03:30 hours), to have suitable blinds (or other effective physically attached device/s) to clearly show that the premises is closed to the general public.
- The SIA security staff employed at the premises shall be responsible for maintaining order and minimising noise to the front of the premises.

It is clear that through allowing customers entry to be served food on the day of the incident in question that the current licence conditions have not been complied with, and that Mr Temur is unaware of his responsibilities expected by the Council's Licensing Policy through suggesting measures which are already conditions in order to mitigate concerns. The Police representation also raises concerns about the provision of CCTV footage, again a condition of licence.

The Council, in its role as the Licensing Authority would therefore support the revocation of the Premises licence.

The Licensing Authority, in its capacity as a Responsible Authority, is aware of the application to transfer the premises licence made on 22 September 2023, presumably in response to the Review application. The transfer application seeks to transfer the premises licence from Mr Mutlu Temur of 15 Park Stret, Guildford to Ayaz Grill Ltd. Ayaz Grill Ltd according to Companies House was incorporated on 18 August 2023 and lists a Serkan Temur of 15 Park Street, Guildford as the sole director. The Council is therefore concerned that the transfer of premises licence from one Mr Temur of 15 Park Street, Guildford to another does not indicate a wholesale change of management at the premises which result in the required improvements.

In addition, the Licensing Authority, in its capacity as a Responsible Authority, is also aware of the email submitted on 22 September by ESI Licensing and Legal Consultancy Limited acting on behalf of the premises which details a number of training requirements which have been completed by Mr Serkan Temur and staff, in addition to the provision of age verification posters, refresher of CCTV training and finally a petition purportedly from local residents supporting the premises.

In response to this email the Licensing Authority would comment as follows:

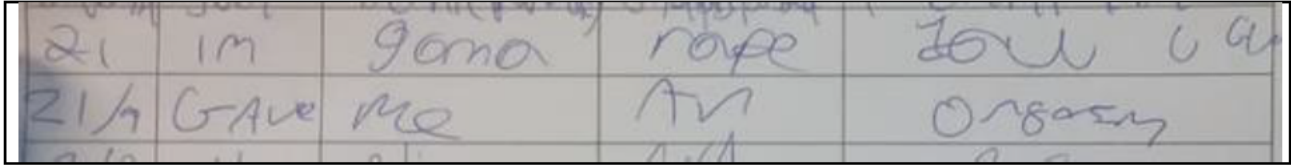
The email lists that various training has been completed and records will be maintained in respect of CCTV operation, age verification, licensing responsibilities, refusals etc. Respectfully, the Licensing Authority would state that these additional measures are already licence conditions and should have been completed at the premises in any case. Nothing new to negate concerns raised by Police and Council have been provided.

A number of the documents provided in this email are not clear and are somewhat out of date. For example the only legible training record is for a delivery driver dated 13/08/2017 and a second record 10/10/2018. Furthermore, the last entry in the refusals log is dated 09/10/2019. These records do not indicate that a comprehensive training programme has been instigated by Mr Serkan Temur as a result of the Review application which will demonstrably result in improved standards at the premises.



Turning to the resident petition, it is suggested that little weight should also be attached to this. The entries are all completed in blue ink on 21/09/2023 to varying degrees of clarity. A number of entries are unclear and appear to relate to international telephone numbers, and describe the quality of food and service, neither of which relate to the licensing objectives.

Somewhat alarmingly, two lines on the petition appear to relate to sexual acts and offences:



It is highly concerning why the Consultant reportedly acting on behalf of the new licence holder would believe it appropriate to include such material in important Review proceedings, again indicating a considerable deficiency in appreciation of the seriousness of the matter and understanding of the Licensing Act.

It is therefore also difficult to see how Mr Serkan Temur has demonstrated he should have the full confidence of the Police or Licensing Authority in being able to manage the current conditions attached to the licence, which is only likely to result in further incidents at the premises.

In light of this, the Licensing Authority supports the Police's Review application that the belief that the continued operation of the Charcoal Grill will only result in further crime and disorder and issues affecting public safety in Guildford, and therefore the licence should be revoked.

If you have any questions please do not hesitate to contact the me.

Yours faithfully,



Mike Smith  
Senior Specialist for Licensing and Community Safety  
Regulatory Services