

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 24 July 2013 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: Brig P Jones CBE and FM Norman

16. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

17. APOLOGIES FOR ABSENCE

Apologies were received from Councillor PJ McCaull.

18. NAMED SUBSTITUTES (IF ANY)

Councillor Brig. P Jones CBE attended the meeting as a substitute for Councillor PJ McCaull.

19. DECLARATIONS OF INTEREST

There were no declarations of interest made.

20. APPLICATION FOR A NEW PREMISES LICENCE 'MARMARIS KEBAB HOUSE, 21 UNION STREET, HEREFORD, HR1 2BT'

The Sub-Committee considered an application for a new premises licence at 59 Commercial Road, Hereford.

The Chairman read out the guidance note and asked all parties to introduce themselves. He also heard any requests for an extension to the 10 minutes normally permitted for parties to make their representations. No requests were made.

The Licensing Manager presented her report and drew Members' attention to two errors within it. Firstly she requested that the reference to a police review be removed and also advised that under paragraph 9.3 the terminal time for licensed activity should be amended from 2:00 am to 1:30 am. She also noted that the applicant had not made reference to the non-standard timings within his advertisement and that therefore this part of the application could not be granted.

James Mooney, representing West Mercia Police, addressed the Sub-Committee in objection to the application. He drew the Sub-Committee's attention to a number of verbal and written warnings given to the applicant for opening past his licenced hours. He advised Members that the premises were very close to the Cumulative Impact Zone but was not inside it, as the Licensing Authority had stated. He gave Members detailed statistics regarding the high level of alcohol related crime and disorder in the area and requested that the application be refused.

Fred Spriggs, representing the Licensing Authority, also addressed the Sub-Committee in objection to the application. He stated that he believed that the premises were inside the Cumulative Impact Zone although there was a stated case which also advised Councils to

consider premises near to a CIZ. He gave members details of the previous licence at the premises which had been surrendered in December 2012 after the current applicant had failed to transfer the licence despite repeated requests from the Licensing Authority. He gave the Sub-Committee details of the breaches that had occurred at the premises with the most recent being on 20 April 2013. He confirmed that there had been no further breaches since April. He requested that if the Committee were minded to approve the application they considered appropriate conditions in order to promote the licensing objectives.

Bilge Kupeli attended the hearing as a translator for Murat Polat, the applicant. She advised that Mr Polat accepted what he had done wrong but did not understand the letters that he had received and could not afford to take appropriate legal advice. She advised the Sub-Committee that she had now translated all correspondence and he had a clearer understanding of his responsibilities. She added that this was Mr Polat's first licence application and that she had assisted him over the last 6 weeks, hence why there had been no further breaches at the premises.

Mr Mooney confirmed that the police had initially recommended conditions and that a letter had been received from Mr Polat on 11 March 2013 stating that he was happy to agree to these conditions.

In response to a question from the Senior Litigator, Ms Kupeli advised that there would not be anyone employed in the shop who could speak English.

In response to a question regarding the transfer of the licence, Mr Spriggs advised that there was a specific time that the transfer had to be completed by. In this case the transfer had not been done and the licence had expired.

The Sub-Committee retired to make its decision. On its return the Senior Litigator read out the decision. The Sub-Committee voiced its concern that there would be no English speakers on the premises in case of an emergency. They noted that there was some disagreement as to whether the site was inside or outside of the Cumulative Impact Zone but stated that this had not had an impact on the decision made. Finally the Sub-Committee stated that they could not consider the application for non-standard timings as the details had been omitted from the advertisement.

RESOLVED

THAT the premises licence in respect of Marmaris Kebab House be granted subject to the following conditions.

All conditions to be put in place prior to the premises opening after 11:00 pm on any night of the week.

- **CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.**

Cameras shall encompass all ingress and egress to the premises.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand (provided that the police will allow reasonable time for the recording to be obtained in the event that the request for recordings is made at a time when the premises are closed.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

OR:

- **On Friday and Saturday nights from 11.00 pm, two SIA Licensed Door Supervisors will be employed at the premises until the termination of licensable activities. When employed externally door staff shall wear high visibility reflective jackets or vests.**
- **An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:**
 - (a) all crimes reported to the venue**
 - (b) all ejections of patrons**
 - (c) any complaints received**
 - (d) any incidents of disorder**
 - (e) seizures of drugs or offensive weapons**
 - (f) any faults in the CCTV system**
 - (g) any visit by a relevant authority or emergency service**
- **Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the needs of local residents and to leave the premises quietly.**
- **The Premises Licence holder will ensure that the area immediately outside the premises is regularly checked for litter during operating hours and at the end of operating hours and that any litter found is disposed of appropriately.**
- **The Premises Licence Holder and staff will not permit alcohol to be consumed on the premises.**

21. APPLICATION FOR A VARIATION OF THE PREMISES LICENCE 'BROMYARD KEBAB AND BURGER SHOP, 3 CRUXWELL STREET, BROMYARD, HR7 4EB.'

The Sub-Committee considered an application for a variation to a premises licence at Bromyard Kebab and Burger Shop, Bromyard..

The Chairman read out the guidance note and asked all parties to introduce themselves. He also heard any requests for an extension to the 10 minutes normally permitted for parties to make their representations. No requests were made.

The Licensing Manager presented her report.

Fred Spriggs, representing the Licensing Authority, addressed the Sub-Committee. He reminded Members of the circumstances that had led to the condition requiring SIA registered door staff if the premises was open after 11pm. He added that since the condition was imposed, the premises had not opened past 11pm so there was no

evidence to suggest that it should be removed. He suggested that if the premises were to operate within their licence conditions for a period of six months there would be evidence to back up their application and the licensing authority may be more willing to support the variation.

Mrs Chui Chi Cheng, the applicant, also addressed the Sub-Committee. She advised that the condition was added to the licence after an incident at the premises prior to her family taking over the business. She also advised the Sub-Committee that disorder in the area had reduced and that the condition was no longer relevant and that this view was also shared with the local police licensing officer. She went on to explain the steps that had been put in place to make the takeaway more family friendly and the steps taken to promote a better image. Regarding security she advised that a monitor had been installed in the premises so patrons could see that CCTV was in operation. She added that the cost of SIA door staff for a short period of time over the weekend was not viable. In response to the public representation that had been received, she noted that the concerns related to people exiting the nearby public houses and it was therefore not relevant. Regarding the issue raised regarding car parking, she stated that this was more of an issue in the daytime and that it was difficult to stop people parking on the road.

In response to a question from the Licensing Officer, the applicant advised that she did not intend to open until 1:30 am every weekend but wanted the option of staying open later when there were events on in the town. She added that she would also employ SIA registered door staff on a risk assessed basis for these occasions. In response to a further question she noted that other premises in Bromyard closed at 12:30 am.

In response to a final question from the Licensing Officer she noted that the premises did have CCTV when the incident occurred which had led to the condition being added. However she noted that at this time there was not a monitor in the premises showing people that the CCTV was active. She considered this to be a useful visual deterrent.

The Sub-Committee retired to make their decision. The Senior Litigator read out the decision and advised that the application had been approved subject to conditions regarding CCTV and SIA Staff employed on a risk assessed basis.

RESOLVED

THAT:

the application be granted in respect of the hours of operation of the licensable activities described in the report subject to the following conditions:

- **CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.**

Cameras shall encompass all ingress and egress to the premises.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand (provided that the police will allow reasonable time for the recording to be obtained in the event that the request for recordings is made at a time when the premises are closed.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

- **The Premises Licence Holder will employ SIA door staff at all times when risk assessments dictate door supervision to be necessary.**

the following condition to be removed from the licence:

- **The provision of two SIA registered door supervisors on the premise from 2300 to 0030 hours every Friday and Saturday night.**

The meeting ended at 4.10 pm

CHAIRMAN