

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

THURSDAY 20TH NOVEMBER 2014 AT 6.11 P.M.

PRESENT: Councillors C. J. Spencer, M. T. Buxton and H. J. Jones

Observers: Councillor S. J. Dudley (During Minute No's 1/14 to part of 5/14)

Officers: Mrs. S. Sellers, Mr. D. Etheridge, Mrs. A May (observing) and Mrs. P. Ross

Also in attendance: Mr. F. Rashid, Applicant, Inspector Sarah Corteen, Bromsgrove Safer Neighbourhood Team, Bromsgrove Police Station, West Mercia Police

1/14 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

Due to the late arrival of the applicant and with the agreement of the Sub-Committee Members the commencement of the meeting was delayed until 6:11 p.m. Upon arrival Mr. Rashid apologised to all those present and briefly explained to Members the reason for his late arrival.

RESOLVED that Councillor C. J. Spencer be appointed Chairman of the Sub-Committee for the meeting.

2/14 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

3/14 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

4/14 **PROCEDURE**

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present to the Applicant and all other parties present, so that no person who may be in a position to influence the Sub-Committee withdrew from the meeting room with the Sub-Committee when the Sub-Committee considered its decision at the conclusion of the Hearing.

5/14

**APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF
MAMARIS KEBAB / ISTANBUL, 33-35 WORCESTER ROAD,
BROMSGROVE, B61 7DN**

The Sub-Committee was asked to consider a variation to a premises licence in respect of Mamaris Kebab / Istanbul, 33 - 35 Worcester Road, Bromsgrove, Worcestershire, B61 7DN, submitted by Mr. F. Rashid. The application was subject to a Hearing in light of a representation objecting to the application received by Worcestershire Regulatory Services (WRS) from West Mercia Police. The basis of their representation related to:-

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

The Senior Licensing Practitioner, WRS introduced the report and in doing so informed all those present that the variation application submitted by Mr. Rashid sought to extend the existing late night refreshment hours as follows:-

Thursday to Saturday 23:00 hrs. to 04:00 hrs.
Sunday 23:00 hrs. to 01:00 hrs.

In response to Members, the Senior Licensing Practitioner confirmed the authorised opening hours of two specific premises in the vicinity of Mamaris Kebab / Istanbul, namely Love2Love nightclub and bar and the Dog and Pheasant public house.

At the request of the Chairman, the applicant put forward his case in favour of his application. Mr. F. Rashid highlighted to the Sub-Committee that the premises had recently changed its name from Mamaris Kebab / Istanbul to Istanbul Grill / Chicago Pizza, WRS officers had been notified.

Mr. Rashid informed the Sub-Committee that he was the landlord of the premises and had a minority share hold in the business. He was a local man, born and bred in Worcestershire. He had gained experience through his family having hot food refreshment establishments. He had an exemplary record and had gained knowledge of the licensing legislation and the practicalities of that legislation with regard to running a licensed business. He held the upmost respect for residents in the Worcester Road area.

Mr. Rashid explained that he had submitted a variation application due to customer demand on Thursdays, Fridays and Saturdays. The original business plan had not taken into account a potential increase in demand on those specific days. As mentioned earlier, Love2Love nightclub and bar and the Dog and Pheasant public house opened late and customers from both premises often congregated outside the premises after 03:00 hrs. asking to be served hot food, the premises closed at 03:00 hrs. With the agreement of the representative from West Mercia Police, Mr. Rashid provided Sub-Committee Members with letters of support for his variation application from the management of Love2Love nightclub and bar and the Dog and Pheasant public house.

Mr. Rashid explained that the premises was a double fronted shop divided into two areas, one side selling kebabs, the other side selling pizza and chicken. In response to Councillor M. T. Buxton, Mr. Rashid confirmed there were two entrances to the premises. As detailed in his variation application, a Security Industry Authority (SIA) door staff member currently worked from 23:00 hrs. to 03:00 hrs. this would be increased to 04:00 hrs. should Members grant the variation application.

Mr. Rashid further informed Members that with regard to the representation submitted by West Mercia Police, he had conducted a survey with a small number of taxi drivers with regard to their willingness to work later hours, the drivers he had spoken to said they were willing to work until 05:00 hrs. if the demand was there. With the agreement of the representative from West Mercia Police, Mr. Rashid provided Sub-Committee Members with the written responses to his survey from five taxi drivers.

Mr. Rashid felt that the noise issue would improve as people would be inside the premises, so the noise would be contained within the premises. Mr. Rashid felt he had the support of the local community and other licensed premises in the area. He had brought additional business into the area and the premises were run with both residents and customers in mind. In response to Councillor M. T. Buxton, Mr. Rashid confirmed that the premises seated 10 people and had standing room for approximately 20 people. The premises predominantly offered a take away service.

At the request of the Chairman, Inspector S. Corteen, Bromsgrove Safer Neighbourhood Team, West Mercia Police, who had submitted the representations in respect of the variation application, addressed the Sub-Committee.

Inspector Corteen highlighted that the additional late night opening hours would, in her opinion, impact on crime and disorder and the prevention of public nuisance in the area. The end of the high street was a busy area with a high proportion of licensed and hot food premises. The surrounding area was a residential area with a large proportion of elderly residents on Hill Lane. West Mercia Police had also received complaints from residents on Worcester Road and Ednall Lane. Concerns and issues with regard to the noise disturbances caused by the Night Time Economy (NTE) had become a regular priority at Partnerships and Communities Together (PACT) meetings and were against one of the licensing principles, the prevention of public nuisance.

Inspector Corteen informed the Sub-Committee that should the variation application be granted and the premises remained open until 04:00 hrs. this could encourage crowds to linger in the area and set a precedent for other premises to apply for longer opening hours. As detailed in her representations, local knowledge and engagement with the Taxi Association had proved that taxi drivers would not work this late. In the past the police had had to appeal to taxi drivers from outside the district to pick people up from the Worcester road area. Inspector Corteen emphasised that Istanbul Grill / Chicago Pizza premises itself was not problematic, but a wide range of issues had occurred near or by the premises with offences being recorded.

This included criminal damage, drugs, seven violent crimes and 150 incidents recorded around the Worcester Road and High Street areas. Two dispersal notices had been issued. The NTE economy placed a significant demand on police resources between midnight and 04:00hrs.

Inspector Corteen responded to Members' questions and informed Members that individuals mainly came from the town centre and Worcester Road area. Crowds tended to congregate and loiter in the Worcester Road area, which was restricted due to the short road and therefore made it difficult for people to get past each other on the footpaths.

Inspector Corteen responded to the Council's Legal Advisor and Mr. Rashid and informed Members that there were no current issues with Istanbul Grill / Chicago Pizza. Should the variation application be granted, this would push the NTE on till 05:30 hrs. with people dispersing the area and this could be reflected in the general NTE police figures.

The Council's Legal Advisor informed all those present that of the four licensing objectives and that West Mercia Police were objecting to the variation application on two of the licensing objective, namely:-

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

Members should consider the written and oral information provided and look at an evidential view based on the information presented. No representations had been received from residents or any of the other responsible authorities consulted.

Having had regard to:

- The licensing objectives set out on the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The guidance issued under section 182 of the Act
- The Report presented by the Senior Licensing Practitioner
- The application and oral representations made at the Hearing by the Applicant
- The relevant written representation and oral representations made at the Hearing by Inspector Sarah Corteen, Bromsgrove Safer Neighbourhood Team, Bromsgrove Police Station, West Mercia Police

The Sub-Committee decided to grant the application to vary a premises licence relating to Istanbul Grill / Chicago Pizza in the terms as set out in the Operating Schedule.

The reasons for the Sub-Committee's decision were as follows:

- The Sub-Committee noted and considered the written and oral representations made by Mr. Rashid including his response to the points raised by the police in their written representation. Mr. Rashid informed the Sub-Committee that his establishment served food to customers

leaving licensed premises in Worcester Road. In particular the nightclub Love2Love which remained open until after 03:00 hrs. the time his premises currently closed. The Sub-Committee noted the letters of support submitted in relation to the application from other premises and from the five taxi drivers but Members did not attach significant weight to those letters when reaching their decision.

- In relation to the opening hours of Love2Love, the Senior Licensing Practitioner informed Members that the official licensing hours were until 04:00 hrs. with a further 30 minutes for dispersal of customers until 04.30 hrs. This accorded with the representation of the applicant.
- The Sub-Committee noted and considered the written and oral representations made by Inspector Sarah Corteen, Bromsgrove Safer Neighbourhood Team, Bromsgrove Police Station, West Mercia Police.

The police in their representations highlighted:-

- That problems regarding disturbance generally by local residents in streets near Worcester Road was raised regularly at PACT meetings.
- That crime data statistics showed a concentration of incidents in the Worcester Road area linked to the night time economy.
- That crowds congregating after other premises had closed did cause problems with issues such as litter being left behind, queue jumping for taxis and general incidents of disorder which required a police response.

However, in considering this information the Sub-Committee also noted the following:-

- That no objections had been received from any members of the public, and none of the other responsible authorities had submitted representations.
- That the crime data presented by Inspector Corteen reflected the general picture of the night time economy in the town centre and that no specific data had been presented of criminal incidents which had occurred at or were associated with the applicant's premises.
- That the police informed the Sub-Committee that generally Istanbul Grill / Chicago Pizza itself was not problematic, on which the Sub-Committee placed significant weight.

The following legal advice was given:

- That the Licensing Objectives must be the paramount consideration.
- That the Sub-Committee should only have regard to the representations which promote the four licensing objectives.

- The Sub-Committee must consider only those matters directly relevant to the premises.
- That although the police were reporting problems with behaviour of members of the public in the Worcester Road area linked to the night time economy, there was currently no “cumulative impact” policy in place which the Sub-Committee needed to take into account. In the absence of such a policy the usual considerations under the Licensing Act apply with the emphasis on evidence based representations.
- If having granted the extended hours problems did occur then it would be open to the police or local residents or any of the other responsible authorities to seek a review of the licence.

An appeal to the Magistrates’ Court against the Sub-Committee’s decision must be lodged within 21 days of the date on which written confirmation of the decision is received by the applicant.

6/14

LICENSING ACT 2003 - APPLICATION FOR A PERSONAL LICENCE

The Sub-Committee were informed by the Senior Licensing Practitioner, Worcestershire Regulatory Services that notification had been received from the applicant that they had decided to withdraw their Personal Licence Application.

The meeting closed at 7.45 p.m.

Chairman