

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 25 September 2017

Present

Councillor Hughes (Chairman)

Councillors Lloyd and Weeks

Officers:	Gerry Thorne	Licensing Officer
	Mark Gregory	Democratic Services Officer
	Penny Rogers	Licensing Officer
	Alex Kirk	Assistant Solicitor

Also Present:

Mr Demerkol, Licence Holder
Mr Brotherton, Licence Holder's Solicitor
Sergeant Ainsworth, Hampshire Constabulary
Pc Pearce, Hampshire Constabulary

3 Declarations of Interests

There were no declarations of interests.

4 Exclusion of Press and Public

RESOLVED that the public be excluded from the meeting during consideration of the minutes headed and numbered as below because:

it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those minutes there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and

in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 5 Review of Premises Licence
(Paragraphs 1 to 3)

5 Review of a Premises Licence

The Sub Committee received a request from the licence holder for consideration of this matter to be adjourned to enable him to have legal representation at the meeting.

To support his application for an adjournment, the Licence Holder advised that his solicitor had been leave until the day of the meeting and was therefore unable to attend this meeting. The Police objected on the grounds of the seriousness of their concerns regarding the control and operation of this premises and the lateness of this application for an adjournment. In response to questions, the Police advised that although they were unaware that the licence holder wished to have a legal representative at this meeting, they had been approached by his solicitor.

The Assistant Solicitor advised the Sub Committee on the human rights issues relating to the rights to have a fair hearing and legal representation.

The Sub Committee adjourned at 1.25pm to consider the request.

At 1.36pm the meeting reconvened

In response to a question from the Chairman, the members of the Licensing Team present at the meeting advised that they had no objection to an adjournment.

The Sub Committee recognised the severity of the situation and understood that the issues raised by the police were serious and merited earliest consideration. However, the Sub Committee also recognised that in the interests of justice, the licence holder had the right to legal representation and for him to make his representation. Therefore, it was:

RESOLVED that this meeting be adjourned in accordance with Regulation 12 of the Licensing Act 2003 (Hearing) Regulations 2005 until 10am on Friday 6 October 2017 at the Public Service Plaza.

The Chairman advised the licence holder that in view of the seriousness of this matter, the hearing would proceed on the 6 October 2016 even if the licence holder and/or his legal representative failed to attend.

The Police representatives wished it to be recorded that they disagreed with the decision to adjourn in view of the nature and seriousness of the issues raised in their application for review.

The meeting was adjourned at 1.43pm

The meeting reconvened on 6 October 2017

The Sub-Committee considered an application for a Premises Licence in respect of Istanbul Grill, 280 London Road, Waterloo.

The Sub Committee considered the officer's report, the application for review and the licence holder's written response to the review

The Licensing Officer presented her report to the Sub-Committee and gave an outline of the application and representations received.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

The Sub-Committee adjourned at 12.05 pm to consider the application.

At 13.05pm the meeting reconvened and the Democratic Services Officer read the decision to the parties.

DECISION OF THE LICENSING SUB-COMMITTEE

The Sub Committee was concerned to learn about the allegations presented by the Police but appreciated that specific details could not be revealed in view of ongoing investigations.

The Sub Committee considered that the intelligence presented to them demonstrated a failure in the management of the premises which was clearly not promoting the licensing objectives, in particular in relation to the prevention of crime and disorder and the protection of children from harm. A revocation of the premises licence would give the licence holder an opportunity to address the current management issues and put practices in place to promote the licensing objectives.

RESOLVED that the premises licence be revoked on the grounds that the following licensing objectives had been breached, namely, the prevention of crime and disorder and the protection of children from harm.

In making the decision the Sub-Committee had regard to:

- 1) The intelligence submitted by the Police
- 2) The fact that a suspension of the premises licence, or the addition of conditions, would not be appropriate as these would not overcome the risk presented to children and/or crime and disorder taking place at this premises.

In reaching its decision the Sub-Committee had regard to the amended guidance issued under section 182 of the Licensing Act 2003, in particular paragraphs 11.24 to 11.28.

The meeting commenced at 10.00 am and concluded at 1.08 pm

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Chairman