

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Monday, 18th April, 2011

Present:- Councillors:- Tim Warren, Tim Ball and Carol Paradise (In place of Bryan Chalker)

Also in attendance: Emma Stoneman (Senior Licensing Officer) and Francesca Smith (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Bryan Chalker, for whom Councillor Carol Paradise substituted.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 LICENSING PROCEDURE

The Chairman drew attention to the review procedure, copies of which had been made available to members of the public attending the meeting.

7 APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR BODRUM TAKEAWAY, 34 BROAD STREET, BATH BA1 5LP

Applicant for Review: Diarmid Henry (Environmental Health Officer)

Licence Holder: Ramazan Kolcak, represented by Professor Roy Light (St John's Chambers)

Responsible Authority: Avon and Somerset Police, represented by Inspector Steve Mildren

Interested Parties: The Abbey Residents Association, represented by Ian Perkins

Witness for Environmental Protection: Mr Remo Del-Greco

The parties confirmed that they had received and understood the review procedure.

The Licensing Officer summarised the application. She explained that the premises was currently authorised to provide late-night refreshment until 03.00 Sunday to Thursday and until 04:00 Friday and Saturday. The application for review related to the licensing objective of the prevention of public nuisance. The Police had made a representation in relation to the licensing objective of the prevention of crime and disorder and an Interested Party had made a representation in relation to the licensing objective of the prevention of public nuisance. The Environmental Health Officer had requested that the terminal hour for late-night refreshment should be 02:00 on Friday and Saturday and 00:00 (midnight) on Sunday to Thursday. The Police had requested that a condition should be attached to the licence requiring the presence of two SIA-registered door staff on from 23:00 to the end of licensable activities on Friday and Saturday each week. A representation had been received from a local resident in support of the premises. Additional information from the Police, the Environmental Health Officer and the Licence Holder had been received and circulated to all parties. The Licensing Officer informed the Sub-Committee that the licence holder was seeking an adjournment of today's hearing.

Professor Light stated the licence holder's case for adjourning the hearing. He said that a deferral of 28 days would give the licence holder an opportunity to have discussions with the applicant for review, the other parties and the Licensing Officer with a view to finding a resolution of the issues through agreement rather than confrontation.

The Chair asked the other parties for their views on a deferral.

The Environmental Health Officer said that Environmental Health had been aware of problems relating to Bodrum since July 2010 and that he believed that the only solution would be an earlier terminal hour for the provision of late-night refreshment. He did not agree to the adjournment.

Inspector Mildren said that he believed that all relevant information about crime disorder associated with the premises had been presented with the police representation and that there was no need for the application to be deferred.

Professor Light said that a deferral would give the licence holder an opportunity to explore several options including speaking to the local taxi companies and to experiment with the use of door staff on one or two weekends to see if they actually made any difference.

Mr Del-Greco said that he thought that the use of door staff would merely encourage people to move elsewhere and would not change the fact that they were still in the street at 4am. He believed that the only solution was for the premises to stop trading earlier.

Mr Perkins said that residents had already suffered considerable distress over a long period and he believed that further delay was unjustified.

Following an adjournment, the Sub-Committee **RESOLVED** to defer this application until 16 May at 10.30am.

REASONS

Members have today been asked to determine an application for the review of a premises licence for Bodrum Takeaway, 34 Broad Street, Bath.

The solicitor acting for the Premises Licence Holder had requested an adjournment as his client wished to have discussions with the parties in respect of the evidence that they had submitted. He also agreed to trial a condition, proposed by the Police, to use Door Supervisors on Friday and Saturday nights from 23.00 to close.

Members heard representations from the other parties regarding the application for an adjournment.

Members took into account the Hearings Regulations which gives power to a licensing authority to adjourn a hearing where it considers this necessary for its consideration of any representation or notice made by a party. Secondly that the Regulations allow for an extension of the statutory time limits for the determination of applications in the public interest.

Members considered that the interests of the public would be served if the Premises Licence Holder negotiated with the parties and trialled the use of Door Supervisors as proposed by the Police. They therefore exercised their powers and allowed the adjournment of the application and to extend the time for determination in 28 days time or as near as reasonably practicable.

The meeting ended at 11.15 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services