

<b>Minutes of</b>	<b>Licensing Act 2003 Sub-Committee</b>
<b>Meeting date</b>	<b>Thursday, 19 September 2024</b>
<b>Members present:</b>	Councillor Matthew Lynch (Chair) and Councillors Tommy Gray and Craige Southern
<b>Officers:</b>	Nathan Howson (Principal Licensing Officer), Usman Gazra (Enforcement Officer (Licensing)), Sushma Nayee (Solicitor), Christine Wood (Democratic and Member Services Officer) and Elizabeth Walsh (Legal Services Team Leader)
<b>Apologies:</b>	Councillor Dedrah Moss
<b>Others:</b>	Mr Gunay Gulmez, (Proposed New Designated Premises Supervisor) Mr Paul Cassell, (Manager, Mediterranean Bistro Ltd) PS John Lovick, (Lancashire Constabulary/Applicant)

#### **4 Welcome and apologies**

The Chair welcomed all present to the meeting. Apologies were received from Councillor Dedrah Moss.

At this point, responding to a question from the Chair, Mr Gunay Gulmez confirmed that he was the owner of the property at 30-32 Market Street, Chorley, PR7 2SE.

#### **5 Declarations of Any Interests**

There were no declarations of interest.

#### **6 Procedure**

The Chair outlined the procedure to be followed.

#### **7 Adjournment**

During presentation of the above item, The Chair was advised that Mr Chadwick (former Designated Premises Supervisor, Fab Bar and Bistro) had arrived and wished to attend the meeting.

Following receipt of this information, the meeting was adjourned to enable the Chair to seek legal advice.

## **8 Reconvened**

Following the brief adjournment, the meeting was reconvened.

The Chair repeated items 4 (Welcome and Apologies), 5 (Declarations of Any interest) and 6 (Procedure).

4. Apologies were received from Councillor Dedrah Moss
5. There were no declarations of interest
6. The Chair outlined the procedure to be followed.

## **9 Regulation 8 Notice**

There were no requests under regulation 8 for other persons to speak. In addition, the Chair advised that no members of the public would be permitted to speak at the meeting.

## **10 Determination for Application for the Review of a Premises Licence Fab Bar & Bistro**

The Director of Planning and Property submitted a report for the Licensing Act 2003 Sub Committee advising members of an application to review a Premises Licence in respect of Fab Bar and Bistro, 30-32 Market Street, Chorley, PR7 2SE had been received.

### **Presentation of the Report**

Mr Gazra (Licensing) presented the Committee report which gave details of an application on 31 July 2024 for the review of a Premises Licence which had been received from PS2700 John Richard Lovick, Licensing Sergeant for and on behalf of the Chief Constable of Lancashire. Grounds for the review were outlined to the Sub Committee.

Mr Gazra referred to the supplementary agenda that had been published on 18 September 2024 advising that since the application for a review of the Premises Licence, the existing Premises Licence Holder and Designated Premises Supervisor had vacated the premises and that the business, Fab Bar and Bistro was no longer in existence.

Mr Gazra further advised that an entirely new business was proposed to be run at the premises and that the name of that business was Mediterranean Bistro Limited. Both Licensing and the Police had been working closely with the new business owner to agree additional conditions which would promote the licensing objectives.

Mr Gazra advised that the Committee was invited to consider the licensing objectives alongside the modified conditions relating to the new business, Mediterranean Bistro Limited. Details of the modified conditions were outlined within the report. It was confirmed that the grounds for review as detailed in the original report were no longer applicable as they did not relate to Mr Gunay Gulmez or Mediterranean Bistro Limited, a separate business.

## **Representations made by the applicant**

PS Lovick, Lancashire Constabulary, and applicant for the review advised the Sub Committee that the role of the Licensing Sergeant was to prevent crime and disorder and to support and develop economies as per the licensing objectives. PS Lovick confirmed that the grounds for the original review were no longer applicable as they did not relate to Mr Gunay Gulmez or Mediterranean Bistro Limited, a separate business.

PS Lovick confirmed that he was happy with the proposals as had been published in the supplementary agenda. PS Lovick also confirmed that Mr Gulmez was considered to be a fit and proper person, and that the new business would contribute to the economy of Chorley.

## **Representations by the Responsible Authority (Mr Nathan Howson, Principal Licensing Officer)**

Mr Nathan Howson, Principal Licensing Officer confirmed that the grounds for the original review were no longer applicable as they did not relate to Mr Gunay Gulmez or Mediterranean Bistro Limited, a separate business.

Mr Howson referred to the supplementary agenda that had been published on 18 September 2024 and the new business which was proposed to be run at the premises, confirming that both Licensing and Police Licensing had been working closely with the new business owner (Mr Gulmez) to prepare an agreed proposal to promote the licensing objectives.

For the avoidance of doubt, Mr Howson clarified that it was the decision of the Sub Committee to decide if the proposals were appropriate.

## **Legal Advice**

Mrs Elizabeth Walsh, Council Legal Advisor advised the Sub Committee that it was the Sub Committee's decision as to whether to accept the proposals put forward in the supplementary agenda. She confirmed that this was being put forward as a way to conclude the review application and that this was not a new application. The Police (applicant) and Responsible Authority (Mr Howson) had already agreed the proposals with Mr Gulmez and the Committee was able to hear from all parties today.

## **Representations by the New Premises Licence Holder**

Mr Gulmez referred to his submission and stated that he would like to provide a new restaurant for Chorley. Mr Gulmez thanked the Sub Committee and stated that he would respect the decision of the Sub Committee.

The Sub Committee then put questions to Mr Gulmez. The responses of Mr Gulmez were as follows:

- There would be no transfer of existing staff to the new business.
- Each new member of staff would receive training appropriate to their role.

- Mediterranean Bistro Limited would join the Chorley Pub Watch Scheme.
- Mr Gulmez was aware of the problems associated with the previous business.
- Mediterranean Bistro would be a family restaurant.

## **Summing Up**

PS Lovick stated that the Licensing objectives were fulfilled by the agreed proposals and requested that the Sub Committee endorse the recommended Police proposals.

Mr Nathan Howson stated that the proposals as detailed in the supplementary agenda were reasonable and proportionate and recommended that the Sub Committee endorse the proposals.

PS Lovick, Mr Howson, Mr Gazra, Mr Cassell and Mr Gulmez left the meeting to enable the Sub Committee to consider the decision in private.

## **Decision**

Reasons for determining:

The Sub Committee took into account all the information from the Committee Agenda, oral evidence and considered the Council's Policy.

The Sub Committee was satisfied that the licensing objective prevention of crime and disorder was being undermined at the premises whilst it was under the previous premises licence holder, Fabulous Entertainment Limited.

The Sub Committee took into account that the premises licence had been transferred and that the new premises licence holder was Mediterranean Bistro Limited. The Sub Committee heard that the Lancashire Constabulary and the Licensing Authority had no concerns surrounding the new Premises Licence Holder and were satisfied that the previous issues which had occurred at the premises were no longer a concern.

The Sub Committee reviewed the supplementary report provided by the Licensing Authority. These measures were agreed by all parties to be an appropriate and proportionate measure to determine the application.

The Sub Committee therefore determined in order to promote the licensing objectives to:

Modify the conditions of the Licence to:

Amend the permitted hours for the Performance of Live Music, the Playing of Recorded Music, Late Night Refreshment and the Sale of Alcohol from 0400hrs to 0200hrs on Friday and Saturday.

Amend the hours the premises is open to the public from 0400hrs to 0200hrs on a Friday and Saturday.

Replace the existing operating schedule with the following:

1. *A comprehensive CCTV system shall be installed internally and externally at the premises and will meet the following criteria:*

- *The system shall stamp all recordings with the correct time and date;*
- *The system shall be recording whenever the premises is open to the public;*
- *All recordings shall be retained for a minimum of 31 days after they are made and shall be produced to an authorised officer upon lawful request,*
- *As a minimum, the CCTV shall capture a 'head and shoulders' image of all people who enter through the main public entrance.*

2. *Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.*

3. *A competent person trained in the use of and operation of the system shall be in attendance at the premises at any time that licensable activities are being carried on. Said person will be able to fully operate the CCTV system and be able to download data in a recognised format when requested.*

4. *Prior to licensable activity being carried on at the premises and for the normal running of the business, a risk assessment shall be carried out to determine whether door supervisors are required. Where the premises is proposed to be used in a way other than that considered to be the normal running, an additional risk assessment shall be conducted. Door supervisors shall be deployed in accordance with any such risk assessment, which shall be in writing, kept on the premises for a minimum of 12 months and produced to an authorised officer upon request.*

5. *An incident log shall be kept on the premises to record any notable incidents, such as instances of crime or disorder, evidence or suspicion of drug related activity and any requests made for persons to leave the premises. Each log shall record the date and time, the nature of the incident and the person recording it, the outcome or action taken and a police log number if appropriate. Entries shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The written record shall be available for inspection by a responsible authority upon request.*

6. *The management of the premises shall cause the area immediately outside the entrance to the premises to be kept clean, tidy and free from litter.*

7. *On any occasion that regulated entertainment is carried on at the premises, regular assessments of the noise emanating from the premises will be undertaken. Wherever said assessments indicate that noise is likely to cause nuisance to any local residents, remedial action will be taken. A written record will be maintained detailing the time of the noise assessments, the identity of the person undertaking the assessment, the results of the assessment and any remedial action undertaken.*

8. *Prominent, clear and legible notices will be displayed at the main public exit requesting customers to respect the needs of nearby residents and to leave the premises and the area quietly.*

9. *All windows and doors shall be maintained closed at any time after 23:00hrs, save to allow access or egress.*

10. *Recorded music shall not be played, and live music shall not be performed, in the external areas of the premises after 23:00hrs.*

*11. There shall be no persons under the age of eighteen permitted on the premises after 22:00 each evening, unless they are attending a pre-arranged, private function.*

*12. The age verification policy shall be that of "Challenge 25". All staff shall require an acceptable identification document to be produced by any customer who appears to be under the age of 25 and wishes to be served alcohol. Acceptable identification documents shall be.*

- a PASS-approved, proof of age card,*
- UK passport,*
- citizen card supported by the Home Office,*
- official ID card issued by HM Forces or*
- a UK photographic driving licence.*

*13. Prior to being authorised to sell alcohol, staff shall be trained in relation to the "Challenge 25" policy and requirements relating to the Licensing Act 2003. Refresher training shall be conducted at periods not greater than 12 months. Said training will be documented and will be made available to an authorised officer upon request.*

Chair

Date