

**LICENSING SUB-COMMITTEE  
15 MARCH 2013**

Present: Councillors Batsford, Cartwright and Webb with  
Councillor Wilson in reserve.

**26. APPOINTMENT OF CHAIR**

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Webb moved that Councillor Cartwright should take the Chair. This was seconded by Councillor Batsford.

**RESOLVED (unanimously) that Councillor Cartwright be  
appointed as Chair for the duration of the meeting.**

**27. APPLICATION FOR TWO TEMPORARY EVENT NOTICES:  
FLAMES GRILL, 19 HAVELOCK ROAD, HASTINGS**

Councillor Cartwright set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this.

The Head of Environmental Services, submitted a report on an application for a premises licence at Flames Grill, 19 Havelock Road, Hastings.

Mr Brown, Licensing Manager, presented the report to the committee as a result of an objection notice received from Sussex Police. The report referred to an application which sought consent for two Temporary Event Notices on Friday, 29 March 2013 from 04.00hrs to 05.00hrs for late night refreshment; Sunday 31<sup>st</sup> March 2013 from 04.00hrs to 05.00hrs; and Monday 1<sup>st</sup> April 2013 02.00hrs to 05.00hrs for late night refreshment.

Sargeant Vokins from Sussex Police Licensing Team was present, he made his representation under the Prevention of Crime and Disorder and the Prevention of Public Nuisance. He said that 6 days after the Hearing was held on 10<sup>th</sup> December 2012 concerning the variation of the premise licence, another serious incident occurred at Flames Grill. He went on to say their objections were based on the volume of incidents at the premises. He added that there had not been sufficient time since December 2012 to gauge any consistent improvement.

The Chief Legal Officer informed the Committee that the Cumulative Impact Zone was not applicable when determining a Temporary Event Notice application.

Mr Caglar Kanik, the applicant and current Premise Licence Holder spoke for his father, Mr Naki Kanik. He referred to the Police evidence submitted in Appendix D of the agenda and said the incident that took place on 16<sup>th</sup> December 2012 was not real and that he and his father had checked the

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CCTV camera. Furthermore, he said the police never stated there was a serious problem and that everything was fine.

The Chair asked Mr Caglar Kanik if the Police statement was inaccurate. He answered yes.

Since the incident on 16<sup>th</sup> December 2012, Sargeant Vokins confirmed that a male suspect was cautioned on 14<sup>th</sup> January 2013 for a sexual offence. Despite no CCTV evidence in support of the allegation, he said someone admitted to the offence under caution and for the suspect to have been cautioned he would have to have had admissions which is verification of the offence. Furthermore, he said there could have been a number of incidents that door staff may have dealt with and had not contacted the Police.

PC Ash said that New Year was their busiest time and that 'special events' were very well policed with no problems.

In his submission, Mr Caglar Kanik, the applicant and current Premise Licence Holder spoke for his father, Mr Naki Kanik. He said they had applied for a Temporary Event Notice during the last three years and had never had problem at the premises on 'special' days. e.g. The Carnvial and Jack in the Green.

Mr Caglar Kanik said he and his father, Mr Naki Kanik were in the premises most of the time at weekends. Most of these incidents he said were not serious and they were trying to sort the problems out.

Councillor Cartwright asked what other measures they were implementing in addition to using CCTV and door staff to maintain the prevention of public nuisance at the premises.

Mr Caglar Kanik said he and his father, Mr Naki Kanik, were at the premises every Thursday, Friday and Saturday and that his father helps the door staff.

In his summary, Sargeant Vokin said their concerns were based on the volume of incidents and there had not been a drop in frequency and severity of incidents. He said there had been not been a significant turnaround time to develop a sustained improvement. This he said reconfirmed the Kaniks' apparent lack of understanding regarding the seriousness of the incidents

The applicant had nothing further to add.

**RESOLVED (unanimously) that the application be refused for the following reason:**

**The Committee are not convinced that the extra hours applied for (Sunday 31<sup>st</sup> March and Monday 1<sup>st</sup> April) will not adversely affect the licensing objectives of crime and disorder and public nuisance. The Committee have had regard to the guidance issued by the Secretary of State and its own policy.**

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(The Chair declared the meeting closed at 10.59am)