

LICENSING SUB COMMITTEE

12 FEBRUARY 2020

Present: Councillors Cox, O'Callaghan, Patmore and Sinden (in reserve).

47. APPOINTMENT OF CHAIR FOR THIS MEETING

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 O'Callaghan moved that Councillor Patmore should take the Chair. This was seconded by Councillor Cox.

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

48. APOLOGIES FOR ABSENCE

None.

49. DECLARATIONS OF INTEREST

None.

50. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

51. REVIEW OF PREMISES LICENCE. FLAMES GRILL.

Councillor Patmore set out the procedure that the Sub-Committee would adopt (in accordance with standard practice).

The Licensing Manager, Mr Brown, presented the report to consider an application to review the Premises Licence as a result of representations received from Sussex Police under the licensing objectives "Prevention of crime and disorder" and "Public safety".

On the 18th December 2019 Hastings Borough Council received an application for the review of an existing premises licence for Flames Grill, 19 Havelock Road, Hastings, TN34 1BP, made under Section 51 of the Licensing Act 2003.

The operator, Mr Caglar Kanik, currently holds a premises licence under the Licensing Act 2003, which covers the use of the premises for Late Night Refreshment. The application was considered in line with Government guidance. The application from Sussex Police refers to several incidents and requests revocation of the licence.

The Licensing Manager outlined the options available to the Committee as set out in the report.

Mr Michael Forster, legal representative for Sussex Police, outlined the case for revocation of the licence.

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Mr Forster said that the application to review the licence was brought forward following a series of serious violent incidents in or near the premises, starting in March 2019 and continuing through to September in the run up to the events of 15th November 2019. Mr Forster said that the incidents demonstrated a lack of control over the premises by the licence holder.

For a long period of time it has been apparent that the CCTV, which is part of the licence conditions, has not been compliant and deletes images after 7 days rather than 28. On occasions when the police have been to the premises to access CCTV images for evidence they haven't been able to do so as it has been out of operation.

These incidents culminated in a very serious episode on the 15th November 2019 when members of staff went out of the shop armed with various offensive weapons, including knives, following a group of aggressors. If any of the weapons had been used to stab somebody this could have resulted in a fatality. Sussex Police consider this such a serious matter that it should result in the revocation of the licence.

Mr Forster called Inspector Lovell to give evidence to the Committee.

Inspector Lovell confirmed that there were incidents back in March and May last year where the CCTV was found to overwrite itself after 7 days. The detail of what sparked the incident on November 15th 2019 is still unclear due to the inability to access the CCTV. The licence holder and staff had been advised not to pursue people outside and to report incidents to the police. He said that the seriousness of the incident means the police are regrettably asking for revocation of the licence. Enhanced conditions have been suggested in case the Committee is minded not to revoke the licence.

There were no questions from the licence holder, Licensing Manager or Committee members to the applicant.

The licence holder's legal representative, Mr Ilian Granville, gave a submission to the Committee.

Mr Granville said he was unable to comment in detail on the incident of 15th November 2019 as the matter is still under investigation, however the event was regrettable. The licence holder, Mr Kanik, did not want to follow the aggressors into the street but acted in self-defence as it seemed the aggressors were coming back into the shop. Mr Kanik regrets the fact that the previous CCTV system was not fit for purpose and a new system has since been installed. There have been no further incidents. Mr Kanik is fully committed to running the business in a safe way for staff and customers. The premises is now part of Bar Watch and the licence holder is keen to work with the local community and authorities.

Mr Granville said that in order to move forward Mr Kanik was willing to accept all the conditions recommended by Sussex Police except for the stipulation to have two door supervisors on Friday's and Saturday's and the reduction in hours. Most of the incidents have occurred on Thursday's and there are adequate resources within the town centre on Friday and Saturday nights to deal with problems.

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The Chair invited the applicant to ask questions of the licence holder.

Mr Forster asked if it was the application for revocation of the premises licence that prompted installation of a new CCTV system, rather than the incident on 15th November? The licence holder produced a receipt for the new CCTV system, but this was not dated.

On 23rd March 2019 staff said there were plans to install new CCTV following an incident, why was this not done? The licence holder's brother informed the Committee that after the incident a technician was called out to get the CCTV system to work as required. Nothing had been deleted from the previous hard drive and the password was given to the police. It is regrettable that they have been unable to access the CCTV images.

Mr Forster asked if the licence holder's brother accepts that he informed the police he was going to get his SIA accreditation in September 2019? It was confirmed that he received accreditation in December 2019.

Mr Forster asked if the Licence Holder was informed by PC Wilkes on 13th September 2019 not to leave the premises and follow aggressors outside? Mr Kanik confirmed this was the case.

Mr Forster asked why on 15th November did staff arm themselves and go out into the street? Mr Kanik said that the shop doors were closed in the beginning. One of the aggressors attacked a car owned by the licence holder's brother and smashed the windows of the shop. They acted in self-defence as they thought the aggressors were trying to re-enter the shop.

The Chair invited the Licensing Manager to ask questions of the licence holder.

The Licensing Manager asked why it had taken the licence holder 15 years to have compliant CCTV? Mr Kanik's legal representative said that the CCTV system was thought to be operational. When it was apparent that it had failed it was replaced. It was not intentional to have non-compliant CCTV.

The Chair invited the members of the Committee to ask questions of the licence holder.

Councillor O'Callaghan asked if the new CCTV system had failed? Mr Kanik said this was not the case. Since the incident in November a new compliant CCTV system has been in operation.

There were no questions to the Licensing Manager from the applicant or licence holder.

In response to a question from the Committee the Licensing Manager said that checks are undertaken on licensed premises if there is good reason to do so. If it was identified that a licence holder was operating in breach of conditions they can be

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prosecuted. If the Committee decide to maintain the licence with additional conditions those conditions would be monitored.

The Licensing Manager, licence holder and applicant summarised their positions.

The Committee adjourned at 11.04am to consider its findings and reconvened at 11.41am.

RESOLVED (unanimously):

The committee has listened carefully to all submissions before it and are minded to keep the premise licence subject to all the following conditions:

- 1. CCTV: Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.**
- 2. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times**
- 3. CCTV footage will be stored for a minimum of 28 days**
- 4. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected and alleged crime**
- 5. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy**
- 6. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police**
- 7. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable**
- 8. Two SIA registered door staff will be employed at the premises from 21.00 until half an hour after the premises has closed on Thursday, Friday and Saturday's plus Bank Holidays, New Year's Eve, public holidays and at any time when a temporary event notice is in operation.**
- 9. An incident report will be kept and maintained at the premises and made available for inspection by police officers and local authority officers on**

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request. This book shall be solely used for the purpose of recording incidents

10. A refusal register will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.

11. The opening hours of the premises to be;

Sunday to Wednesday 17.00 to 02.00hrs, Thursday to Saturday 17.00 to 03.00hrs
Sunday preceding a BH Monday 17.00 to 03.00hrs

12. Late night refreshment hours to be;

Sunday to Wednesday 23.00 to 02.00hrs. Thursday to Saturday 23.00 to 03.00hrs, Sunday preceding a BH Monday 23.00 to 03.00hrs

Reasons for the decision:

The committee believe that the conditions are a fair and proportionate response in upholding the licensing objectives, particularly the prevention of crime and disorder and public safety.

We believe this has been a wakeup call for the licence holder and hope that he manages and controls the premises in compliance with the conditions. We would also hope that the licence holder heeds the police advice and does not involve themselves in future incidents.

52. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 11.45 am)