

CITY OF GLOUCESTER
LICENSING SUB-COMMITTEE

Meeting: Thursday, 1st December 2011 at 10:30
Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership: Cllrs. C. Witts, Porter and Hansdot

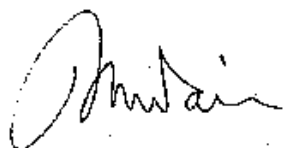
AGENDA

- 1. ELECTION OF CHAIR**
- 2. INTRODUCTIONS AND PROCEDURES**
- 3. DECLARATIONS OF INTEREST**

To receive from Members, declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any agenda item. Please see Notes 1 and 2 overleaf.

- 4. APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003 - BEST TAKEAWAY, 126 EASTGATE STREET, GLOUCESTER (Pages 1 - 20)**

Report of the Group Manager, Environmental Health and Regulatory Services



.....
Julian Wain
Chief Executive

Notes

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District:-
 - (a) the well being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;
 - (b) a body employing those persons, any firm in which they are a partner and any company of which they are directors;

- (c) any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) the Councillor's registrable financial and other interests.
2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Please contact Democratic Services, Tel. No. 01452 396127/e-mail: democratic.services@gloucester.gov.uk if you have a general query on any agenda item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's Website - www.gloucester.gov.uk

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Gloucester City Council

Committee	: LICENSING SUB-COMMITTEE
Date	: 01 DECEMBER 2011
Subject	: APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003 IN RESPECT OF BEST TAKEAWAY 126 EASTGATE STREET, GLOUCESTER, GL1 1QT
Ward	: WESTGATE
Report By	: GROUP MANAGER, ENVIROMENTAL HEALTH AND REGULATORY SERVICES
No. Of Appendices	: A: PREMISES LICENCE FOR BEST TAKEAWAY B: REVIEW APPLICATION FROM GLOUCESTERSHIRE CONSTABULARY C: AGREEMENT BETWEEN PARTIES
Reference No.	: ES21125

1.0 Purpose of Report

- 1.1 To present to Members an application for a review of a premises licence made under Section 51 of the Licensing Act 2003 in respect of Best Takeaway ,126 Eastgate Street , Gloucester, GL1 1QT where an agreement to modify the conditions of the premises licence has been made between the applicant and the premises licence holder.

2.0 Recommendations

- 2.1 Members are recommended to approve the modifications to the premises licence in line with the agreement between Gloucestershire Constabulary (the Applicant) and Mr Hasan Gligil (the Premises Licence Holder) and duly authorise Officers to issue a revised premises licence to include the agreed conditions.

3.0 Background

- 3.1 Best Takeaway is a small hot food unit situated in lower Eastgate Street opposite Liquid Nightclub. It has had the benefit of a premises licence for Late Night Refreshment since 03 October 2005. The current proprietor has held the licence since 22 September 2008. The existing licence is attached at **Appendix A**.
- 3.2 The conditions currently attached to the licence are those consistent with the original operating schedule including a condition relating to CCTV which was accepted by the original applicant following representations made, at the time, by Gloucestershire Constabulary.
- 3.3 Section 51 of the Licensing Act 2003 states that where a premises licence has effect an interested party or responsible authority may apply to the relevant licensing authority for a review of the licence.

3.4 In respect of a an application for a review from a responsible authority the Licensing Authority may only reject the application if the grounds are not relevant to one or more of the licensing objectives which are

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

4.0 The Application for Review

4.1 The application from Gloucestershire Constabulary concerned itself with the first three of the objectives listed above. The review application is attached at **Appendix B.**

4.2 In accordance with the statutory regulations copies of the application were served on the responsible authorities, as recognised by the Licensing Act 2003, and the premises licence holder.

4.3 The application for the review was advertised by way of notice on the Council's website, a blue notice affixed to the outside of the premises in question and to the external doors of the Council's Herbert Warehouse. The period allowed for any other representations was from 13 October until 09 November 2011.

4.4 No additional representations were made by either responsible authorities or interested parties.

5.0 PROGRESS.

5.1 The Home Secretary's Guidance to the Licensing Act states at Chapter 11.9:-

- 'It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of cooperation.'

5.2 Since the application for review has been lodged the Police, the premises licence holder and his legal representative have been working together to resolve the issues concerning Best Takeaway and if the following conditions are appended to the licence both parties agree that a Hearing may be dispensed with.

5.3 The conditions are:-

- The CCTV system shall be maintained in good working order, it shall record at all times when the premises are open and recordings shall be kept for a minimum of 28 days (14 days for digital systems) and be provided to Officers of the Council and Police on request. The CCTV system should cover all areas where the public have access and service areas. External cameras should be utilised at the front and rear

- A dedicated SIA door supervisor shall be employed at the premises on a Saturday and Sunday morning from 01.00 until closure as well as Bank Holiday weekends including Bank Holiday Mondays, New Years Eve, Christmas Eve and Halloween. They shall be clearly identifiable as security wearing a high visibility jacket. The SIA door supervisor shall ensure the dispersal of groups congregating with food outside the venue, along with facilitating clear entry and egress from the premises.

5.4 The agreement and the request to dispense with a hearing are attached at **Appendix C**

5.5 Regulation 9 of the Licensing Act (Hearings) Regulations 2005 make it clear that a hearing may be dispensed with should all parties agree however it is still necessary for the Licensing Authority to ratify the modifications to the licence in order that it may be re-issued to the licence holder in its revised form.

6.0 Conclusions

6.1 Gloucestershire Constabulary are satisfied that if the conditions in paragraph 5.3 of the report are added to the licence and subsequently complied with then the Premises Licence Holder should adequately be able to support the licensing objective and Members are therefore advise to take the course of action as outlined in paragraph 2.1 of the report.

7.0 Financial Implications

7.1 There are no financial implications relating to this report.

8.0 Legal Implications

8.1 Although the Licensing Act 2003 (Hearings) Regulations 2005 allow for hearings to be dispensed with in other situations, Section 51 of the Licensing Act 2003 contains no provision to make a hearing unnecessary, even if agreement is reached. This could be an omission in the Act, but until such time as there is clarification or it is amended, the safest option would seem to be to deal with the application at a hearing

9.0 Risk Management Implications

9.1 There is normally a right of appeal to the Magistrates Court for both the applicant and all interested parties. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably. Under these circumstances, where the parties have reached agreement, then an appeal would not be appropriate.

10.0 People Impact Assessment (PIA):

Is a PIA required?	Yes	No	Explanation: Screening assessment conducted as part of the Council's Licensing Act Policy Statement
		✓	

Has an initial PIA screening been completed?	Yes	No	Explanation: As above
		✓	
Has a full PIA been completed?	Yes	No	Explanation: As above
		✓	
Is the PIA available?	Yes	No	Explanation: As above
		✓	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	As above *Please ensure PIA is available
		✓	

Any Further Relevant Information:

None

11.0 Other Corporate Implications

1. Community Safety

The four licensing objectives of the Licensing Act 2003 are designed to support community safety and are dealt with in the body of the report.

2. Environmental

As above – dealt with in the body of the report.

3. Staffing

None

4. Trade Union

No comments.

Background Papers : Gloucester City Council Licensing Hearing Procedure

Published Papers : Licensing Act 2003
Licensing Act 2003 (Hearings) Regulations 2005
Gloucester City Council Licensing Policy Statement
Home Secretary (Home Office) Guidance issued under section 182 of the Licensing Act 2003 (Oct 2010)

Person to Contact : Anthony D Moseley
Tel: 01452 396322
E-mail: Anthony.david.moseley@gloucester.gov.uk

Schedule 12

Part A

Regulation 33,34

Premises Licence

Premises Licence Number

0801225GLPRMG

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Best Take Away
136 Eastgate Street
Gloucester
GL1 1QT

Telephone number 01452 387250

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Late Night Refreshment	Monday	23:00 - 02:00
Late Night Refreshment	Tuesday	23:00 - 02:00
Late Night Refreshment	Wednesday	23:00 - 04:00
Late Night Refreshment	Thursday	23:00 - 04:00
Late Night Refreshment	Friday	23:00 - 05:00
Late Night Refreshment	Saturday	23:00 - 05:00
Late Night Refreshment	Sunday	23:00 - 02:00

The opening hours of the premises

Not applicable



Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Hasan Gilgil
Best Takeaway
136 Eastgate Street
GLOUCESTER
GL1 1RT

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Signature of Issuing Officer:



Date of Determination: 03 October 2005

Date of Issue: 22 September 2008

(See Annexes and Plans attached for conditions relating to this Licence)

Issuing Authority:

The District of Gloucester City Council, The Docks, Gloucester GL1 2EQ

Annex 1 – Mandatory conditions

NONE

Annex 2 – Conditions consistent with the Operating Schedule

To keep disorderly conduct/noise to a minimum.

Cash not to be kept at counter area.

Customer waiting area to be maintained clean and dry.

All bottles and potentially dangerous objects to be kept out of reach of customers.

Filters in odour extraction system to be regularly cleaned.

Shop front kept clear of litter from premises.

Police will be notified if there appears to be a risk of harm to children.

Signs will be displayed requesting customers to leave quietly.

That a CCTV system is installed to the satisfaction of the Police Architectural Liaison Officer.

That the system will be maintained in working order and that an agreed image storage protocol will be put in place.

Annex 3 – Conditions attached after a hearing by the licensing authority

NONE

Annex 4 – Plans

As submitted with the application

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Gloucester City Council

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, Constable Andrew Cook (Insert name of applicant)
 apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Best Takeaway, 136 Eastgate Sreet, Gloucester	
Post town Gloucester	Post code (if known) GL1 1QT

Name of premises licence holder or club holding club premises certificate (if known) Hasan Gilgil
--

Number of premises licence or club premises certificate (if known)
--

Part 2 - Applicant details

- | I am | Please tick yes |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3) a member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

Review of premises licence or club premises certificate

ENVIRONMENTAL HEALTH & REGULATORY SERVICES

Gloucester City Council Tel 01452 396396 Fax 01452 396340
 Herbert Warehouse Email heretohelp@gloucester.gov.uk
 The Docks Minicom 01452 396161
 Gloucester GL1 2EQ www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

PC 417 Cook on behalf of the Chief Constable,
Gloucestershire Constabulary
No 1 Waterwells, Quedgeley, Gloucester,
GL2 2AN

Telephone number (if any) 01452 752816

E-mail address (optional) andy.cook@gloucestershire.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

On two recent occasions, problems on Eastgate street at weekends have been so acute (in the early-hours) that duty Police Inspectors have felt it necessary to ask all the late-night takeaways there to close in order to assist in dispersing hostile crowds, restore the peace and protect the public.

The first of these occasions was on 21st August 2011, when the police were attempting to deal with gang-related violence. On that occasion, other takeaways were fully co-operative and closed promptly on request, but the Best Takeaway failed to close and continued to serve customers. This directly hindered police attempts to disperse the crowds, because their lack of co-operation necessitated two police officers having to be diverted from other important tasks to stand at the door turning customers away. Despite a recent warning, Best Takeaway has again hindered Police efforts to deal with acute disorder problems and restore public order in Eastgate Street. As a result, Public Safety was put at higher risk.

Despite the owner being summoned for a meeting at the Police Station and being given a Written Warning, a repeat occurrence took place in the early-hours of Sunday 2nd October 2011.

Lack of co-operation by Licensed Premises in situations where there is a pressing need for prompt action is unacceptable and will, in the view of the Constabulary, lead only to an increase in Crime & Disorder and Public Nuisance and a reduction in Public Safety.

The Constabulary believes it is important to protect the quality of life for Visitors, Residents and Businesses of the City Centre, especially for those within the 'cumulative impact zone'. The Constabulary is focussed on reducing Crime, Disorder, Anti-social behaviour and Public Nuisance in the whole of Gloucester City, particularly in Eastgate Street.

Please provide as much information as possible to support the application (please read guidance note 2)

BACKGROUND

City Centre Violence

The level of violent crime in Gloucester City Centre rose to a record high in 2005 and, although it has reduced steadily since, it has recently started to rise again (since February 2010) and is forecast to rise further. *(Crime figures and graphs provided to committee.)*

A significant contributor to the high level of crime in Gloucester City is Eastgate Street.

Eastgate Street

Eastgate Street has a high proportion of Licensed premises in close proximity, including nightclubs, bars and late-night takeaways. The combined effect of these premises is that Eastgate Street suffers high levels of crime, disorder and anti-social behaviour. In fact, Eastgate Street suffers the highest crime levels of any street in the county of Gloucestershire, and it places high demands on the Constabulary, especially around the night-time economy at the weekends. *(crime & disorder incident research provided to committee).*

Whilst licensed premises in Eastgate Street are generally well-managed, those selling alcohol often allow customers to consume too much alcohol and their behaviour then deteriorates as a result. Typically, this drunken behaviour takes place in the takeaways and on the streets after they leave licensed premises and includes: excessive noise (shouting & screaming), littering, vomiting & urinating on the streets, boisterous behaviour, criminal damage, disorderly behaviour, aggression and assaults. In addition to causing such problems, people under the influence of alcohol are vulnerable to becoming victims themselves, of Theft, Robbery, Assault etc.

Analysis of incidents in Eastgate Street shows that the bulk of violent offences in Eastgate Street (57%) occur on Friday and Saturday nights (and early-hours following). Peak days & times are Saturday: 2300hrs - 0400hrs and Friday: Midnight - 0300hrs. *(Analysis provided to committee).* This pattern correlates with national research, which indicates that the upsurge in violence at the weekend is due to the increased numbers of people socialising and their increased levels of alcohol-intoxication. During the remainder of the week, incidents are substantially lower.

The level of crime and disorder linked to alcohol consumption is also a major factor in the fear of crime that visitors to the City Centre experience. The intimidating atmosphere can result in some people choosing to avoid the City Centre, particularly during weekend evenings.

Due to the cumulative impact of these premises, and at the request of the police, a Special Policy was adopted by Gloucester City Council in 2004 in order to try and stem the problems in Eastgate Street and the surrounding area. This Special Policy has helped prevent more premises opening and has thus prevented further increases, but has not led to decreases in incidents of disorder. Further measures have recently been introduced (night-time pedestrianisation at weekends) in continued efforts to reduce the problems.

Impact on Residents

The presence of these Licensed Premises and their customers' behaviour impacts heavily on those who live in close proximity to Eastgate Street, or live on a 'through-route'. Residents of the City Centre can feel intimidated and 'trapped' in their own homes, particularly the elderly.

City Centre residents also suffer high-levels of noise into the early-hours on a regular basis, causing sleep disturbance and deprivation. In relation to residents, it is important to remember that 2300hours is the start of Night-time Hours under the Noise Act 1996, after which residents are entitled to a "higher expectation of peace". Sadly, peaceful enjoyment of their property is not the case for many living in the City Centre, as they regularly suffer from noise generated by customers after they have left late-night premises (not noise directly from the premises themselves), and over which premises have little or no control, except that they have (collectively) supplied these individuals with too much alcohol.

Impact on local Businesses

Local businesses can also be adversely affected by alcohol-fuelled misbehaviour in their vicinity. They regularly suffer the unpleasant experience of someone vomiting or urinating in the doorway of their premises. Alternatively their shop windows are damaged overnight. The latter, if it happens regularly, can have a long-term effect on the viability of the businesses.

Impact on the Constabulary

The presence of these licensed premises has a big impact on the Constabulary. Huge amounts of police resources are expended in policing the streets at night-time, especially at weekends, to deter and to deal with alcohol-led disorder. Front-line officers patrol the City Centre on foot and in vehicles, constantly intervening to defuse situations and deal with offenders. These officers are supported by colleagues in the Camera Room who monitor the streets constantly using the street cameras. In fact the 'Streetsafe' operation, which takes place every weekend of the year without exception, is by far the largest single-policing-operation in the whole of the Constabulary's workload, and it necessitates officers from residential areas being temporarily re-located to patrol the City Centre in order to boost the numbers of officers and maintain safety on the streets during peak days & times.)

Over and above this 'direct' policing, front-line officers and CID officers spend huge amounts of time investigating alcohol-led crimes after they have occurred in an attempt to bring offenders to justice. For example they have to view CCTV footage, take statements, identify and arrest offenders, carry out ID procedures, prepare files and attend court if required.

Takeaways

Takeaways in Eastgate Street trade until very late in the morning, so that they can serve those leaving the nightclubs. Unfortunately, their presence tends to slow down the dispersal of these individuals from the City Centre and on occasions disorder occurs within the takeaways. Dealing with drunks can be difficult and the takeaways do not have any capacity such as door supervisors to deter troublemakers and maintain control.

On just two recent occasions, problems on Eastgate street at weekends have been so acute (in the early-hours) that duty police Inspectors have felt it necessary to ask all the late-night takeaways to close in order to assist in dispersing hostile crowds and protecting the public. The first of these occasions occurred in the early-hours of 21st August 2011, when the police were attempting to deal with gang-related violence.

On that occasion, most takeaways were fully co-operative and closed promptly on request, but the Best Takeaway manager was rude, uncooperative, failed to close and continued to serve customers. This directly hindered police attempts to disperse the crowds, because their lack of co-operation necessitated two police officers having to be diverted from other important tasks to stand at the door turning customers away. Even then, staff tried to serve goods over the heads of these officers and through the window.

As follow-up to this lack of co-operation and failure to close on request, City Centre Sergeant Liz Lovell and the Council's Licensing and Enforcement Officer Tony Moseley visited the shop at 1600hrs on 23rd August where they met the same manager who had been on duty on the night in question. He would not listen to Sergeant Lovell and Mr Moseley and kept interrupting. He had to be told to be quiet by a relative of the shop owner who was present, and a meeting was arranged for the takeaway owner, Mr Gilgil, to attend a meeting with Sgt Lovell at the Police Station. This meeting took place on 1st September and Mr Gilgil was warned that, should the premises fail to close voluntarily again, the Constabulary would take firmer action, including consideration of a Review. This Verbal Warning was also backed up by a Written Warning (copy supplied to committee).

At approximately 0415hours on Sunday 2nd October, front-line officers again found themselves facing a large hostile crowd and the duty Inspector decided it was again necessary to ask all takeaways to close in order to disperse crowds from the street, maintain order and protect the public. Two ambulances were already tending injured members of the public, several individuals had been arrested and police officers had been forced to make an emergency call to obtain urgent back-up.

Best Takeaway again continued to serve customers at the shop, again undermining efforts to contain and control the difficult situation. This failure to close again necessitated two police officers having to stand at the door turning customers away.

At 1610hours on Tuesday 11th October, Mr Gilgil attended a meeting with Sergeant Liz Lovell and PC Andy Cook at Force HQ, Quedgeley. They pointed out that the takeaway had again failed to stop serving customers when requested to close and that it had again necessitated officers being distracted from their duties to maintain public order. Mr Gilgil stated that he had been on duty at Best Takeaway himself on 2nd October, and that the only customers he had continued to serve were those from a local nightclub who had previously telephoned in orders. It was pointed out that he could easily have delivered those orders to the nightclub rather than continuing to allow customers into the takeaway, and he stated he "didn't think of that". It was explained to him that allowing any customers in (for whatever reason) after being asked to close was giving the distinct impression to the public that he was still 'open for business' and that only instant closure was appropriate in circumstances where they were asked to close. He was reminded by Sergeant Lovell that this had been made clear at the previous meeting when a Warning was given.

He was informed that the Constabulary would now be making an application for the Premises Licence to be reviewed, and for the opening hours to be reduced on Fridays and Saturdays back to 0300hours, which would generally reduce pressure after that time and help achieve a more gradual dispersal. It would also remove the obstacle of dealing with Best Takeaway if they failed to close again.

Mr Gilgil stated he would contest such an application, as the period between 0300 and 0500hours was an extremely profitable time for the shop.

It was suggested that he might shut the shop to visitors but continue to trade to local nightclubs and businesses by delivery only after 0300hours, but Mr Gilgil declined that suggestion and said he finished home deliveries at 0100hrs. It was pointed out that such a service (i.e. deliveries to nightclubs) could positively help reduce street problems by encouraging nightclub clientele to eat some food in the nightclubs before leaving and then go directly home. PC Cook offered to link him up with one or two nightclubs to see if they could work together on such an initiative, but Mr Gilgil stated he was not interested in pursuing such an idea.

The Constabulary therefore seeks a Review of the Premises Licence.

History of Best Takeaway

The Premises Licence for this shop was first granted on 3rd October 2005, but was transferred to the current owner Mr Hasan Gilgil in late September 2008, since which there have been various incidents of crime & disorder at the premises (*Those occurring since September 2008 produced for committee's attention*).

In addition to the Written Warning referred to above, the premises has previously been issued with a Written warning (23.08.10) for Breach of Licence conditions by failing to maintain CCTV as required.

TENS

The committee is reminded that Temporary Event Notices may be used (over and above the Premises Licence) to enjoy extended hours. If this application is granted, this takeaway could still remain open for extended hours up to 12 times per year.

The Committee is respectfully reminded that, under Section 17 of the Crime & Disorder Act, "it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

- | | |
|---|------------------------|
| | Please tick yes |
| • I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate | YES |
| • I understand that if I do not comply with the above requirements my application will be rejected | YES |

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

NOTES FOR GUIDANCE

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Anthony David Moseley

From: Cook, Andy [Andy.Cook@gloucestershire.pnn.police.uk]
Sent: 10 November 2011 13:39
To: Anthony David Moseley
Cc: Licence Team; Lovell, Elizabeth
Subject: FW: Best Takeaway, Gloucester

Hi Tony,

In view of the acceptance of conditions by Mr Gilgil, we would be entirely happy for this matter to be progressed by means of either a Minor Variation or Full Variation (whichever you deem appropriate) to incorporate these new conditions onto the Licence.

Assuming the Licence will be amended, please accept this e-mail as notification that the Constabulary is happy to **withdraw the Review application** for Best Takeaway, and considers a Hearing is no longer necessary.

Thanks for your work with Liz on this case,

Regards,

Andy

Andy Cook

Force Licensing Manager
Licensing Unit
Gloucestershire Constabulary

 **Direct:** 01452 75(2816) **Group:** 01452 75(4482)
 andy.cook@gloucestershire.police.uk
 <http://www.gloucestershire.police.uk/>
 Licensing Unit, Community Engagement Dept, Police HQ,
No. 1 Waterwells, Quedgeley, Gloucester, GL2 2AN.

From: Lovell, Elizabeth
Sent: 10 November 2011 08:57
To: 'AnthonyDM@gloucester.gov.uk'
Cc: Cook, Andy; Lewis, David
Subject: FW: Best Takeaway, Gloucester

Tony.

Please see below clarification from NARTS that Mr GILGIL accepts the conditions proposed on his licence.

Regards

Liz
PS1515 Lovell

From: Ozlem Ozcan [Licensing] [mailto:ozlem.ozcan@narts.org.uk]
Sent: 09 November 2011 13:54
To: Lovell, Elizabeth
Subject: RE: Best Takeaway, Gloucester

Dear Ms Lovell

I can confirm that the applicant is accepting the conditions proposed. Could you please let licensing know so the review hearing can be cancelled.

Many Thanks,

Ozlem

From: Lovell, Elizabeth [mailto:Elizabeth.Lovell@gloucestershire.pnn.police.uk]
Sent: Tuesday, November 08, 2011 5:13 PM
To: Ozlem Ozcan [Licensing]
Subject: FW: Best Takeaway, Gloucester

Ms Ozlem

I hope that you now receive the following E-mail.

Regards

Liz
PS1515 Lovell

From: Lovell, Elizabeth
Sent: 08 November 2011 17:11
To: 'ozlem@Norts.org.uk'
Cc: 'AnthonyDM@gloucester.gov.uk'; Lewis, David; Cook, Andy
Subject: Best Takeaway, Gloucester

Ms Ozlem

I am writing to inform you that a meeting took place at Gloucester Police Station today with your client Hasan GILGIL in relation to the premises Best Takeaway, Gloucester. Other persons present were ;

Council Licensing Enforcement Officer - Tony Mosely
Police Licensing Officer - Dave Lewis

During the meeting a secondary disclosure document was shown to Mr GILGIL in relation to officers statements that have been provided and the concerns they have with the premises and the disregard for public safety that has been shown on numerous occasions involving;

- 1) Failure of the CCTV conditions
- 2) Failure to comply with officers requests for closures on two occasions
- 3) Common assault on a customer with a piece of wood.
- 4) An increase by 50% of incidents at the premises over the last two years.

Through discussions with Hasan GILGIL it was agreed by all parties that to negate the need for a review of the licence, Hasan would place certain conditions upon his licence, whilst retaining the 0500am closure time on Friday and Saturday nights. The following conditions were agreed by Mr GILGIL.

- 1) The CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 28 days (14 days for digital systems) and be provided to officers of the council and police on request. The CCTV system should cover all areas where the public have access and service areas. External cameras should be utilised at the front and rear of the premise. The system shall include an audio recording facility and signage should be displayed informing customers of this.

2) A dedicated SIA Door supervisor shall be employed at the premises on a Saturday and Sunday morning between 1am to closure. As well as Bank Holiday weekends including the BH Monday, New Years Eve, Xmas Eve and Halloween. They shall be clearly identifiable as security wearing a high visibility jacket. The SIA door supervisor shall ensure the dispersal of groups congregating with food outside the venue, along with facilitating clear entry and egress from the premises.

I have attached a secondary disclosure document for your perusal. I look forward to hearing from you.

Regards

Liz

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Community Sergeant
Licensing HQ

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