

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
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Number of premises licence or club premises certificate (if known)
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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".

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

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.