

Gloucester City Council

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| Meeting: | Licensing Sub-Committee | Date: | 21st June 2018 |
| Subject: | Application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for Olympus Café Bar, Barton Street, Gloucester, GL1 1QN | | |
| Report Of: | Head of Place | | |
| Wards Affected: | Barton and Tredworth | | |
| Contact Officer: | Richard Barnett – City Centre Improvement Officer | | |
| | Email: | Richard.Barnett@Gloucester.gov.uk | Tel: 396311 |
| Appendices: | 1. Premises Licence | | |
| | 2. Application for review from Gloucestershire Constabulary | | |
| | 3. Additional information from Gloucestershire Constabulary | | |
| | 4. Representation from City Centre Improvement Officer | | |

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 For members to consider an application to review an existing Premises Licence in respect of Olympus Cafe Bar, Barton Street, Gloucester, GL1 4EU.

2.0 Recommendations

- 2.1 That the Licensing Sub-Committee considers and determines the review application and takes such steps as it considers appropriate for the promotion of the Licensing Objectives.

3.0 Background

- 3.1 The Olympus Café Bar currently benefits from a Premises Licence issued under the Licensing Act 2003. A copy of the current licence can be seen attached as **Appendix 1**. The licence outlines the current licensable activities along with the current conditions.
- 3.2 Section 51 of the Licensing Act 2003 states that where a Premises Licence has effect, 'Other Persons' or a 'Responsible Authority' may apply to the relevant Licensing Authority for a review of that licence.
- 3.3 In respect of an application 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.

4.0 The Application

4.1 On 20th March 2018, the City Centre Improvement and Environment team received an application from Gloucestershire Constabulary to review an existing Premises Licence at Olympus Café Bar, Barton Street, Gloucester, GL1 4EU. A copy of the review application is attached as **Appendix 2**.

4.2 It can be confirmed that the review application has been served on all Responsible Authorities. In addition, the application was advertised on Gloucester City Council's website and a Public Notice of the review was displayed at the premises for a period of 28 consecutive days.

4.3 The review application states that the following Licensing Objectives have been undermined:-

- The Prevention of Crime and Disorder,
- Promotion of Public Safety, and
- Prevention of Public Nuisance.

4.4 Further supporting documentation was received from the Police on the 5th April 2018. This can be seen as **Appendix 3**.

4.5 On the 21st March 2018, an application was received to transfer the existing Premises Licence to a Mr. Armondo Gjoka.

4.6 The Police objected to the transfer application on the following grounds:-

The application to transfer the premises licence to Armondo GJOKA, we are objecting to the application as we feel that the applicant will not be able to meet the requirements of the licensing objectives. GJOKA has links to the premises dating back to 2016. He is also a business associate of the current Premises Licence Holder (Arben Ndreu) and the previous one (Avni Duka). In May 2016, GJOKA reported a burglary at the premises & called himself the business owner at that time. As the "business owner" he was involved in a disorder involving 200+ persons at the premises a couple of days prior, all documented on the burglary incident.

Eight weeks prior to the May incident there was another disorder incident at the premises in March 2016, again involving in excess of 200 people which pulled all of our City resources to the premises on Barton St.

4.7 Mr Arben Ndreu is the current Premises Licence holder and Designated Premises Supervisor and has been informed of this review.

4.8 The review application was originally due to go before the Licensing Sub Committee on 2nd May 2018.

4.9 The agent acting on behalf of Olympus Café Bar requested that the meeting be postponed to allow mediation to take place.

4.10 Following discussions with all parties involved, it was agreed by all that the meeting could be postponed so that mediation could take place.

- 4.11 A meeting was then held on 25th April 2018 to try and mediate between the Police and Matt Cloke, City Centre Improvement Officer.
- 4.12 Following the meeting, the Police emailed 18 conditions which they would require formal acceptance of for them to withdraw their review application. These conditions can be seen in Appendix 5.
- 4.13 There was further mediation of the conditions and the email chain can be seen in Appendix 6.
- 4.14 Matt Cloke emailed the applicants agent with his requirements which are as follows:-
- Within four weeks of formally agreeing to the condition, an assessment of the Olympus Café building shall be conducted by a competent person (i.e. member of the institute of Acoustics). The assessment shall feed directly into a scheme of noise attenuating measures that will be designed to minimise the noise breakout from the building, as a result of amplified sound taking place within. The scheme of measures shall be submitted to and approved in writing by the local Licensing Authority which specifies the provisions to be made for the control of noise emanating from the premises.
 - Within eight weeks of the local Licensing Authorities approval in writing the mitigation measures recommended within the above scheme shall be undertaken and implemented in full at the premises, unless otherwise agreed by the Licensing authority.
- 4.15 The applicants agent emailed on 11th May 2018 confirming that the points are accepted in principal.
- 4.16 Since the original mediation meeting on 25th April 2018 and today's Committee Meeting, no formal agreement of conditions has taken place.

5.0 Representations

- 5.1 On 28th March 2018, the Licensing Team received a representation from Matt Cloke, City Centre Improvement officer. The representation can be seen attached as **Appendix 4**.
- 5.2 None of the other Responsible Authorities responded to the review application.

6.0 Financial Implications

- 6.1 There are no direct financial implications attached to the recommendations in this report. However Members are advised that Mr. Ndreu has a right of appeal against any decision to refuse the grant of his application. At any such appeal costs may be awarded against the Council on a successful appeal if the Council has not acted reasonably.

7.0 Legal Implications

- 7.1 The Sub-Committee is obliged to determine this application with a view to promoting the four Licensing Objectives which are:-
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from harm
- 7.2 In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance (Section 182, Chapter 11) and the Council's own Licensing Policy Statement.
- 7.3 The Sub-Committee must also have regard to the contents of the application and the representations made both in support of, and against, that application and give appropriate consideration to all of the evidence presented.
- 7.4 The Sub-Committee must consider whether or not it is appropriate to take further steps to promote the Licensing Objectives. If it considers that some form of action is appropriate then it may take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:-
- (a) take no action;
 - (b) issue an informal warning to the licence holder and / or recommend improvement within a particular period of time;
 - (c) to modify the conditions of the Premises Licence (which includes adding new conditions or any alteration of omission of an existing condition);
 - (d) to exclude a Licensable Activity from the scope of the licence;
 - (e) to remove the Designated Premises Supervisor;
 - (f) to suspend the licence for a period not exceeding three months; or
 - (g) to revoke the licence
- 7.5 In deciding what, if any, steps to take the Sub-Committee should, so far as possible, seek to establish the cause or causes of the concerns that the representations identify and should try to ensure that any remedial action taken is directed at these causes and is no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 7.6 Where an application for a review of a Premises Licence is decided under Section 52 of the Licensing Act 2003, an appeal may be made against that decision by:-
- (a) the applicant for the review,
 - (b) the holder of the Premises Licence.
- 7.7 These parties may appeal against the decision, to the Magistrates Court within 21 days of being notified of the decision.

7.8 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until the disposal of the appeal.

(One Legal have been consulted in the preparation this report.)

8.0 Risk & Opportunity Management Implications

8.1 There is a right of appeal to the Magistrates Court for both the applicant and the Responsible Authority. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably.

9.0 People Impact Assessment (PIA):

9.1 The Screening Stage considered risks to licence holders in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

9.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

10.0 Other Corporate Implications

Community Safety

10.1 None

Sustainability

10.2 None

Staffing & Trade Union

10.3 None

Background Documents: Licensing Act 2003
Licensing Act 2003 (Hearings) Regulations 2005
Gloucester City Council Licensing Policy Statement
Home Secretary (Home Office) Guidance issued under section 182