

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 02 June 2016

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00 am

Present: Councillors: Barbara Jenney  
Helen Howell  
Gill Mercer

## Also present:

Jenny Walker  
(Environmental Protection Manager)

Rita Groves  
(Licensing Enforcement Officer)

Mandy Dennis  
(Senior Environmental Protection Officer)

Mr Mark Worthington

Tina Jeffrey

Mebs Kassam

Louise Tyers

## Representing

East Northamptonshire Council

East Northamptonshire Council

East Northamptonshire Council

Applicant's Representative

Applicant

Legal Advisor to the Panel

Clerk to the Panel

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Barbara Jenney be appointed Chairman of the Panel for this hearing.

## 2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

## 3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

## 4. APPLICATION FOR A NEW PREMISES LICENCE FOR DEENE HALL AND SURROUNDING GROUNDS, DEENE PARK, DEENE, NN17 3EW

The Interim Health Protection Manager reported on an application for a new premises licence for Deene Hall, Deene Park, NN17 3EW under the Licensing Act 2003. The application had been received on 18 April 2016 and the appropriate notices had been

displayed and advertisements placed as required. The application was to licence both Deene Hall and the surrounding parkland.

The matters for which a premises licence was sought were:

**Supply of Alcohol**

Monday to Sunday 11:00 – 02:00 (for sales on and off the premises)

**Performance of Dance**

Monday to Sunday 08:00 – 02:00 (Indoors and Outdoors)

**Films**

Monday to Sunday 11:00 – 24:00 (Indoors and Outdoors)

**Live Music**

Monday to Sunday 08:00 – 24:00 (Indoors and Outdoors)

**Plays**

Monday to Sunday 11:00 – 24:00 (Indoors and Outdoors)

**Recorded Music**

Monday to Sunday 08:00 – 02:00 (Indoors and Outdoors)

**Late Night Refreshment**

Monday to Sunday 23:00 – 02:00 (Indoors and Outdoors)

**Opening Hours**

Monday to Sunday 08:00 – 02:30

Two members of the public had made representations detailing problems experienced with noise from the Illusive Festival which had been held at Deene Park last year. Concern was also raised about traffic access to the site, particularly on the A43. The Council's Senior Environmental Protection Officer, whilst not objecting to the application, had submitted a number of conditions which could be incorporated on the premises licence to ensure the licencing objectives were met.

**Evidence from the Applicant**

Mark Worthington, representing the Applicant, attended the hearing and spoke on behalf of the Applicant. Deene Hall was a stately home and it was intended that the main house and a section of the surrounding grounds would be used for the following type of events: wedding ceremonies and receptions, corporate entertainment events, farmers markets, plays, antique/collectors/craft fayres and motor rallies. The remainder of the estate, which was not included in the application, may be let out to private business for other events and would be run on Temporary Event Notices or time limited Premises Licences as appropriate.

It was proposed that weddings would be held in a marquee in the walled garden and would include entertainment such as a disco or live band. The maximum number of people would be 250. For antique/collectors/craft fayres, these would be daytime operations for a maximum of 2,000 people. The Applicant was not looking to hold music festival type events.

**Questions to the Applicant**

In response to questions from the Panel, Mr Worthington and Ms Jeffrey explained that the plan for traffic was to take it off the A43 with any queues going through the park. Parking

would be in the park and traffic marshals would be in place for all events. With regards to noise, it was confirmed that the Applicant was willing to have a noise limiter in place in the marquee. The fayre type of events would be predominately daytime so would end in the early evening. Mr Mark Coombs would be the Designated Premises Supervisor and he would be supported by the admin team in managing events. The Licence would allow up to 5,000 people but the Applicant would not go up to that number as the capacity of the area would not allow excessive numbers. There was liaison with local villages and Mr Coombs also sat on the Parish Council.

### **Evidence from the Senior Environmental Protection Officer**

With the agreement of all parties, the Senior Environmental Protection Officer was allowed to address the meeting.

The Senior Environmental Protection Officer advised that today was the first time that they had heard about the use of a marquee and she asked the Applicant if they had investigated the use of a sound ceiling to control noise. Mr Worthington advised that the marquee would be within the walled garden which would give some control but they were happy to have a limiter installed. They would also be happy to talk to Environmental Services about what the best option would be.

The Senior Environmental Protection Officer also advised that the Illusive Festival which was held at the site was a well managed event. Whilst she did not have any objections to the application she did ask that conditions be put on any licence similar to those at Kelmarsh and Belton House. They would help organise and control issues through an event management plan. This would give some comfort to residents that plans were in place.

### **Closing Statement from the Applicant**

Mr Worthington asked the Panel to consider that the weight given to the Senior Environmental Health Officer's comments was minimal. The conditions that she was suggesting were more appropriate for a music festival and not the type of events that the Applicant would be holding. He reminded the Panel that the S182 Guidance stated that conditions must be appropriate, tailored to the site, must not be standardised and be proportionate. It was clear that the suggested conditions had been copied from another Operating Schedule and the Panel needed to consider if they were appropriate, necessary and proportionate. It was his view that the conditions suggested were wrong and unnecessary as they were standardised conditions which were excessively burdensome. The Operating Schedule adequately met the needs of the licensing objectives. He recommended that the Panel grant the licence with the addition of a noise limiter in the marquee.

*At 10.40am the Panel adjourned to make their decision and reconvened at 12.45pm to announce their decision.*

### **RESOLVED:**

The Licensing Panel has considered this application for a new Premises Licence for Deene Hall, Deene Park, near Corby; and has taken into account the Interim Health Protection Manager's report and all relevant representations and documents submitted.

It was noted that the Senior Environmental Protection Officer did not raise a formal objection to the application however after discussion with the Applicant's representative it was agreed by all parties that the said officer and her representation be considered.

After careful deliberation and consideration of the Licensing Objectives, ENC's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003, the Panel has reached a decision.

The Panel has unanimously decided to grant the Premises Licence in accordance with the Operating Schedule and as follows:

**Supply of Alcohol**

Monday to Sunday from 11:00 hours to 02:00 hours. (For sales on and off the premises)

**Performance of Dance**

Monday to Sunday from 08:00 hours to 02:00 hours. (Indoors and Outdoors)

**Films**

Monday to Sunday from 11:00 hours to 24:00 hours. (Indoors and Outdoors)

**Live Music**

Monday to Sunday from 08:00 hours to 24:00 hours. (Indoors and Outdoors)

**Plays**

Monday to Sunday from 11:00 hours to 24:00 hours. (Indoors and Outdoors)

**Recorded Music**

Monday to Sunday from 08:00 hours to 02:00 hours. (Indoors and Outdoors)

**Late Night Refreshment**

Monday to Sunday 23:00 hours to 02:00 hours (Indoors and Outdoors)

**Provision of anything of a similar description to live music, recorded music or performances of dance.**

Monday to Sunday from 08:00 hours to 02:00 hours (Indoors and Outdoors).

**Opening Hours**

Monday to Sunday from 08:00 hours to 02:30 hours (Indoors and Outdoors).

The Panel have also decided to add the following conditions to the Licence as follows:

1. That there be a Traffic Management Plan in place in respect of the highway adjoining or leading to Deene Hall/Deene Park where the expectant number of attendees is greater than 500. Such plan to be agreed prior to any event by East Northamptonshire Council no less than 10 working days before the commencement of such event.
2. Suitable risk assessments would be prepared in order to manage crowds. Such assessment will be presented to Health and Safety Officers or other responsible authorities for agreement prior to any events where the expected number of attendees is greater than 500. Such plan to be agreed prior to any event by East Northamptonshire Council no less than 10 working days before the commencement of such event.
3. That a noise limiting device be installed at such locations where there will be live or amplified music. The levels to be set in agreement with Environmental Protection Officers at East Northamptonshire Council.
4. That there be a Noise Management Plan at the premises agreed with Environmental Protection Officers at East Northamptonshire Council so as to prevent noise nuisance measured at the nearest sensitive receptor where the expectant number of attendees is greater than 500. The Noise Management Plan to be submitted no less than 10 working days before the commencement of such event giving rise to potential noise nuisance.

The reasons for the decision are as follows:-

1. The Panel were of the view that the premises could attract large numbers of attendees. The access to Deene Park abuts the highway and therefore a traffic management plan is appropriate and proportionate to promote the licensing objective of public safety and to ensure clear access for emergency services.
2. The Panel were of the view that the premises could attract large numbers of attendees. A risk assessment dealing with large crowds would, in the view of the Panel, be appropriate and proportionate to promote the licensing objective of public safety.
3. The condition relating to the noise limiter was considered appropriate and proportionate in order to promote the licensing objective of the prevention of public nuisance. This condition was also acceded to by the Applicant and their representative at the hearing.
4. The condition relating to the noise management plan was deemed to be appropriate and proportionate in order to promote the licensing objective of the prevention of public nuisance.

The Panel received legal advice in terms of:

1. The Licensing Objectives
2. The options available to the Panel
3. The legal test to be applied

The Panel considered the representations of the objectors. The Panel would like to state that the decision made is commensurate with the licensing objectives which, in their view, are proportionate and relevant.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of receiving the Decision Notification letter.

**Chairman**

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 09 June 2016

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 10.00 am

Present: Councillors: Tony Boto  
Andy Mercer  
Pam Whiting

## Also present:

Jenny Walker  
(Interim Health Protection Manager)

Rita Groves  
(Licensing Enforcement Officer)

PC David Bryan

Mr Mustafa Batur

Mr Frank Fender

Mebs Kassam

Louise Tyers

## Representing

East Northamptonshire Council

East Northamptonshire Council

Northamptonshire Police (Applicant for the Review)

Premises Licence Holder

Premises Licence Holder's Representative

Legal Advisor to the Panel

Clerk to the Panel

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Andy Mercer be appointed Chairman of the Panel for this hearing.

## 2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

## 3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

## 4. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AT LUVLY JUBBLY, 80 HIGH STREET, RUSHDEN, NN10 0PQ

The Interim Health Protection Manager reported on an application to review the Premises Licence at Luvly Jubbly, 80 High Street, Rushden, NN10 0PQ. The application had been received on 27 April 2016 from Northamptonshire Police and the appropriate Blue Notice had been displayed on the premises during the required consultation period. The application

followed the previous review application by the Police which was considered by a Licensing Panel on 14 March 2016.

The matters for which a review to the premises licence was sought, related to the prevention of crime and disorder licensing objective. The main reason for the review request was in relation to breaches of the conditions placed on the premises licence by the previous panel in March which were as follows:

*Late Night Refreshment – Indoors and Outdoors  
Thursday to Saturday 23:00 hours to 03:00 hours*

*Non Standard Timings*

*Christmas Eve, New Years Eve and Sundays prior to Bank Holiday Mondays until 03:00 hours on the morning following.*

*Opening Hours*

*Thursday to Saturday 12:00 hours to 03:00 hours*

*Non Standard Timings*

*Christmas Eve, New Years Eve and Sundays prior to Bank Holiday Mondays until 03:00 hours on the morning following.*

*To add to the licence the following condition:*

*The premises does display a clear and prominent signage that no hot food or drink will be served after 03:00 hours Thursday to Saturday.*

The Licensing Enforcement Officer had submitted a representation to support the review application. The Planning Service at East Northamptonshire Council had also made a representation to the review under the grounds of prevention of nuisance, the licensed premises was in breach of its planning condition which stated:

*The premises shall not be open to the public before 08:30 hours on any day, nor after 23:00 hours on Sunday to Thursdays and 23:30 hours on Friday and Saturdays.*

No questions were put to the Interim Health Protection Manager.

### **Evidence from the Applicant**

PC David Bryan, representing Northamptonshire Police, attended the hearing and spoke on behalf of the Applicant. PC Bryan outlined the reasons for the review application being made which were set out in the application itself. Reference was made that on Sunday 25 April 2016 at 03:10am the premises was still serving hot food to customers. This was witnessed by PC Wilson, a Northamptonshire Police Officer, who reported that a member of staff was by the entrance of the premises stating that the premises was closed but food was still being served inside. The Police's concerns were that at the previous hearing it was clarified that the definition of Late Night Refreshment was the serving of hot food and hot drink and not the ordering or purchasing of hot food and hot drink. In addition a condition had been added detailing that signage detailing that no hot food or hot drink would be served after 03:00am but this was not being adhered to.

PC Bryan advised that he had spoken to PC Wilson before this hearing for clarification of the circumstances of the 25 April. He had confirmed that he had parked up in a marked police van at 02:45am in the High Street and witnessed that lights were on in the premises. At 03:05am he had pulled up to the premises and saw that there were still customers in the premises. He gave them five minutes grace but at 03:10am there were still 10 – 12 customers in the shop. There were no issues from any of the customers towards other customers or staff. PC Wilson continued with his patrol and then reported the matter to the

Licensing Unit.

### **Questions to the Applicant by the Panel**

In response to questions from the Panel, PC Bryan was unable to confirm how many people were outside of the premises at the time. He was also unable to confirm whether the sign advising that no hot food or hot drink would be served after 03:00 was erected. He confirmed that there was no SIA door supervisors present as the minor variation which had been agreed in October 2015 had been removed by the previous Panel along with a reduction of the hours to 03:00. The police vehicle was parked alongside the shop and had a clear view into the shop and it was assumed that people in the shop would have had a clear view of the van.

In response to a question as to what the impact would be on the crime and disorder licencing objective of over running the hours of service, PC Bryan advised that it was a disjunctive objective and could be crime or disorder. The Police had had a possible option of charging Mr Batur with a criminal offence of undertaking a licensable activity but the Police believed that they could achieve what they wanted by review. PC Bryan was unable to advise if there had been any record of disorder since the last review.

### **Questions to the Applicant by the Premises Licence Holder's Representative**

Mr Fender clarified that Late Night Refreshment was between 11:00pm and 05:00am and was when the product had been handed to the customer and not when payment had been made. The provision of free food was not a licensable activity as defined in the Section 182 Guidance. The application had been made on the evidence of PC Wilson who stated that he saw people in the shop. There was no evidence submitted to prove what food was being provided, whether that food was hot and whether it was paid for. In response, PC Bryan accepted that a presumption had been made that hot food was being served.

Mr Fender asked that if PC Wilson was driving, how did he know who the male person in the shop was if he did not engage with them. PC Bryan stated that it was assumed that he was a member of staff as he was unlocking the door to let people out. PC Wilson had taken the view that at 03:10 the premises should have been closed and that is why it had been reported.

Mr Fender asked PC Bryan if he agreed that many assumptions had been made and that firm evidence was lacking. There was insufficient evidence for a criminal prosecution because the evidence did not exist. In response, PC Bryan advised that on the balance of probabilities the Police believed that the evidence supported this hearing.

Mr Fender asked PC Bryan what evidence there was to state that the required signage about opening hours was not on display. PC Bryan advised that there was no evidence and apologised about the misleading way that paragraph had been worded as the Officer could not state that the sign was not displayed.

With reference to further incidents of crime and disorder since the previous hearing, Mr Fender advised that if there had been any then they would have been brought to PC Bryan's attention. PC Bryan advised that he had not been notified of any further incidents.

Mr Fender advised that the first Mr Batur was aware of the problems on 25 April was when the review papers had been given to him. He asked PC Bryan why he had not approached Mr Batur in the first instance. PC Bryan advised that Mr Batur had already been given two chances and the view had been taken that it now needed to go before a Panel and it was not appropriate to approach the licence holder.



### **Evidence from the Licensing Enforcement Officer**

The Licensing Enforcement Officer attended the hearing and spoke in support of the application. This incident and the representation from Planning Services showed that Mr Batur had a total disregard to legislation and council requirements.

### **Questions to the Licensing Enforcement Officer**

In response to a question from the Panel, the Licensing Enforcement Officer explained the background to the incident in September 2015.

In response to a question from Mr Fender, the Licensing Enforcement Officer confirmed that no issues of non-compliance had been brought to her attention directly since the previous hearing.

### **Evidence from the Premises Licence Holder's Representative**

Mr Fender, the Premises Licence Holder's representative, attended the hearing and spoke on behalf of Mr Batur. He believed that references to previous reviews were not part of this review and the incident in September 2015 had been dealt with. Today's application was based on an allegation of licensable activity taking place 10 minutes after the shop should have been closed. At 03:10am, the Police alleged that the licensable activity of Late Night Refreshment was taking place, but this was an assumption and there was no evidence to support it. The Police Officer did not know if the food was hot and if it had been paid for. The likelihood was that it was hot and paid for, but the Police were asking the Panel to base a decision on assumptions and not on evidence. We did not know where the police van was parked and Mr Batur did not recall the police van being parked outside of his shop but he was aware that the police were often there for the pub across the road.

Mr Fender had visited the premises after the review application had been made and did see a sign about closing hours. Mr Batur had already taken a decision to voluntarily stop taking orders at 02:45am but Mr Fender had recommended him to change that to 02:30am to ensure that large orders could be completed by 03:00am. In this case Mr Batur had to make a decision as to whether to give customers back their money or to give them the food that they had paid for. Mr Batur had decided to give them the food to prevent disorder. A member of staff was on the door stopping people entering the shop.

The allegation by the Licensing Enforcement Officer that Mr Batur had a complete disregard to legislation and requirements was not true. Mr Batur had tried to make contact with the Council's Planning Enforcement Officer, on a number of occasions as he wanted to do what he was required to do but had so far been unable.

The representation by Planning was not relevant as this was covered by separate regulations and it was disappointing that Planning continued to submit irrelevant representations. The Panel should give this representation no weight during its deliberations.

The purpose of the Review was not to punish Mr Batur as that was the role of the courts. The role of the Panel was to establish if the licensing objectives were being promoted and if not impose sanctions. The Police were seeking to revoke or suspend the licence and that would constitute a punishment. Assumptions were being made which were not supported by evidence so any sanctions should be proportionate. He asked the Panel to consider if revocation or suspension was proportionate. Mr Batur was constantly being watched and

was now fully compliant on the new rules. The one time people were in the shop after the required time a review was submitted.

There were a number of options open to the Panel including issuing an informal written warning. If there were any further breaches then it was accepted that there was only one sanction. The Panel could also agree to take no action. In this case, taking no action was the most appropriate action.

### **Questions to the Premises Licence Holder and his Representative**

In response to a question from PC Bryan, the Premises Licence Holder confirmed that his premises should close at 03:00am and it was his understanding that being closed meant not taking any customers orders. At 02:45am a member of staff closed the door to any new customers. Mr Batur confirmed that it took 15 minutes to cook a kebab. Mr Batur advised that he had been running kebab shops all of his working life. The premises was a takeaway shop only and had no chairs or tables but often people wanted to eat their food in the shop. In response to a question from PC Bryan, Mr Batur explained that the member of staff who was at the door, kept the door locked and only opened it to let customers out. They were not SIA regulated as he could not afford to pay them and Mr Fender clarified that they were not a requirement of the licence. PC Bryan stated that he disagreed as it was a licensable activity to vet people, which is what the person on the door was doing. Mr Fender strongly disagreed that this is what they were doing and they were only letting people out of the shop. The Legal Advisor advised that he would need to research that position.

The Licensing Enforcement Officer had no questions for Mr Batur or his representative.

In response to questions from the Panel, Mr Batur advised that he was confident that he could serve all customers in his shop by 03:00am if no more orders were taken from 02:30am. Mr Fender clarified that the sign in the shop stated that no one would be served after 02:45am however after reading the review papers, Mr Batur had been recommended to change that to 02:30am. On the night in question, there was a large group in the shop and to prevent disorder Mr Batur had decided to carry on serving. The Panel may want to consider a new condition of no new orders after 02:30am. Mr Fender advised that late night eateries, such as Mr Batur's, were important as they helped people soak up the alcohol which had been consumed during the evening, eating also quietened people down. It was difficult to say where customers came from but Mr Batur was aware that they would have had drunk alcohol. Mr Batur has lost customers since the change in opening hours but he had no temptation to stay open later than his licenced hours. Between 00:00am and 03:00am, three members of staff, including Mr Batur, worked in the shop.

### **Closing Statements**

Mr Fender stated that the Police's request for revocation or suspension of Mr Batur's licence was out of proportion. The shop had been open for 10 minutes longer than it should have been. There was currently voluntary signage that no orders would be taken after 02:30am and the Panel may consider it appropriate to make it a condition, which would promote the licensing objectives in a more proportionate way. If there was any breach then Mr Batur accepted that he would be brought back before the Panel.

The Licensing Enforcement Officer made no closing statement.

PC Bryan stated that he disagreed with Mr Fender today. The Government had brought in Late Night Refreshment requirements for kebab shops as they had been seen as a flashpoint for disorder. He believed that Mr Fender had tried to muddy the waters about what evidence was needed today. On the balance of probabilities it was likely Mr Batur had

served hot food after 03:00am and it was likely that customers had remained in the shop after 03:10am. This was the second review of Mr Batur's licence in 12 months. There were two other kebab shops in the High Street which caused no problems. The S182 Guidance stated that licensing authorities should look to the police as the main source of advice on crime and disorder. The Guidance also stated that supply took place when the hot food or hot drink was given to the customer and not when payment was made. ENC's own Licensing Policy also stated that when considering licensing hours "*..this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration*". The Panel should look at the entire history of the premises. Nothing should have been happening in the shop after 03:00am. *Bassetlaw District Council v Worksop Magistrates Court* was clear that disorder did not have to be involved. Deterrence was an appropriate consideration when dealing with reviews where there has been activity in connection with crime. The licensing authority had taken a stepped approach with Mr Batur and in this case the Police believed that revocation was an appropriate sanction for the reasons given.

*At 11.27am the Panel adjourned to make their decision and reconvened at 1.42pm to announce their decision.*

## **RESOLVED:**

The Licensing Panel has considered this application for a Review of the Premises Licence for Luvly Jubbly, 80 High Street, Rushden requested by Northamptonshire Police supported by ENC's Licensing Enforcement Officer. The Panel took into account:-

- The application by the Police for the licensing review
- Guidance issued under Section 182 of the Licensing Act 2003
- ENC's Statement of Licensing Policy
- Verbal evidence from PC Bryan on behalf of Northamptonshire Police
- Verbal evidence and submissions from Mr Batur and his representative Mr Fender
- Verbal evidence from ENC's Licensing Enforcement Officer

The Panel carefully deliberated and considered the licensing objective of Prevention of Crime and Disorder. The reason for the review is in relation to alleged breaches of the conditions placed on the premises licence by a previous Panel Hearing that was held in March 2016.

The Panel concluded on the balance of probability that the licensing conditions requiring the supply of hot food to cease at 03:00 hours had been breached.

The Panel noted that there had been repetitive breaches of the licensing conditions at the premises as evidenced at the previous hearing.

The Licensing Panel having considered all the above are of the unanimous view that on a balance of probability the Luvly Jubbly has also not been promoting the licensing objective of preventing crime and disorder.

The Panel note the *Bassetlaw DC versus Worksop Magistrates Court* judgment of the High Court on 7 November 2008 Paragraph 33 "*In my judgement deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable.*"

The Panel decided unanimously that in the interests of deterrence it was appropriate to impose a suspension of the Premises Licence for a period of two weeks.

The Panel also decided unanimously to modify the licensing conditions as follows:-

**1. Signage**

The premises will display a clear and prominent sign that no hot food or drink will be served after 03:00 hours on Friday, Saturday and Sunday and after 02:30 hours on Monday, Tuesday, Wednesday and Thursday.

**2. Admission to Premises**

No customers shall be admitted to the premises after 02:00 hours on Monday, Tuesday, Wednesday and Thursday, and after 02:30 hours on Friday, Saturday and Sunday.

**3. Customers remaining on the Premises**

All customers must have vacated the premises no later than:

03:00 hours Friday, Saturday and Sunday

02:30 hours Monday, Tuesday, Wednesday and Thursday.

The Panel received legal advice in terms of:

1. The Licensing Objectives
2. The options available to the Panel
3. The legal test to be applied
4. Section 182 Guidance

The Panel received legal advice in terms of the operation of the Security Industry Act.

The reasons for this decision are:-

1. The Panel unanimously decided to restrict the hours at which customers can enter the premises due to evidence given by both the applicant and the license holder that serving customers was not being completed on or before the end of licensable hours.
2. Under the Section 182 Guidance paragraph 2.1 the police are considered to be the main source of guidance under the Crime and Disorder objective.
3. The Panel unanimously decided to impose a two week suspension of the licence because in accordance with the Section 182 Guidance a stepped approach is encouraged, the previous dealings with the premises has been stepped and the Panel are of the view that a suspension is appropriate and proportionate in the interests of promoting the Crime and Disorder objective.
4. The Panel did consider a longer suspension or even revocation however they decided that such action would have been disproportionate and not in the interests of the wider community.

The Decision Notice will be sent out in writing. If any Party, Applicant or Objector who has made a representation, is aggrieved with the Panel's decision, they have the Right to Appeal to the Magistrates Court. That must be done within 21 days of the date after receiving the Decision Notice.

**Chairman**