

Licensing Sub-committee
17 December 2018

WELWYN HATFIELD COUNCIL

RECORD OF PROCEEDINGS of a hearing by the LICENSING AND REGULATED ENTERTAINMENT SUB-COMMITTEE of a review of a premises licence held on Monday 17 December 2018 at 2.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors H.Bower (Chairman)

M.Larkins, R.Trigg

OFFICIALS PRESENT: Licensing Enforcement Technical Officer (D.Pennyfather)
Principal Litigation Officer (B.Lisgarten)
Governance Services Officer (Clerk to the Hearing) (M.Lowe)

ALSO PRESENT: J.Moatt (Police Licensing Officer on behalf of Hertfordshire Constabulary)
L.Howe (Community Support Team, Hertfordshire Constabulary)

Mr A.Bilgili (Licence Holder)
Mr M.Bilgili (Licence Holder's son, supporting the applicant)
Mr G.Awosika (Legal Representative for Mr A.Bilgili)

1. APPOINTMENT OF CHAIRMAN

Councillor H.Bower was appointed Chairman of the Sub-Committee.

2. INTRODUCTIONS AND PROCEDURES

The Chairman introduced the Members of the Sub-Committee and the Officers serving the Sub-Committee and outlined the hearings procedure which had been adopted by the Council. Copies had been previously circulated.

The Sub-Committee had met to carry out a review of the premises licence for Herts Off Licence, 1 Market Place, Hatfield, Hertfordshire.

The applicant, the person supporting the applicant, the applicant's legal representative and the representatives of the responsible authority confirmed their identities to the Sub-Committee.

3. DOCUMENTARY EVIDENCE

A copy of the review of the Premises Licence had been formally requested by Mr J.Moatt, Police Licensing Officer on behalf of Hertfordshire Constabulary (the applicant) acting as a responsible authority under the Licensing Act 2003 (as amended).

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The Licensing Enforcement Technician confirmed that notice of the hearing had been given to all parties in accordance with the requirements of the Licensing Hearing Regulations.

3.1. Details of Review Received

The application had been received from Hertfordshire Constabulary under the Licensing Act 2003. Such were their concerns they were reviewing the premises licence for the Herts Off Licence on three of the four licensing objectives:-

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

The Sub-Committee heard that the Police Licensing Officer had, before the meeting, received formal confirmation from the Solicitor for Herts Off Licence agreeing to a list of conditions to be added to the Premises Licence which he presented to the review hearing.

The conditions agreed were listed below.

- During opening hours cans or bottles of lager, beer, or cider shall not be sold to persons identified to us by Police as street drinkers, perpetrators of alcohol related anti-social behaviour (ASB) in support of the Public Spaces Protection Order (PSPO).
- At least one member of staff to be on the premises during opening hours that is able to operate CCTV and download footage on request to Police within 24 hours and to ensure that the CCTV system is in working order. There shall be suitable storage of necessary recording media (such as DVD'S, SD cards or similar).
- To ensure that a member of staff is behind the service counter at the point of sale for all transactions.
- Mr A.Bilgili will complete refresher training as DPS from a reputable training provider within two months and will repeat this training every three years.
- All staff will undertake training in relation to licence the licensing Act from a reputable training provider within two months and will repeat this training every three years.

The Police Licensing Officer reported that as a result of obtaining the full agreement on the conditions by the applicant the Police had decided to not ask for the removal of Mr A.Bilgili as Designated Premises Supervisor (DPS) nor to ask for a suspension of the licence.

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The reasons for this was that clearly the original evidence that led to the review application fully justified the consideration of removal of DPS and Suspension of the Licence. However the Police Licensing Officer explained that he felt that the list of conditions would and should make the business perform in a more professional way and reduce the issues currently experienced.

4. COMMITTEE QUESTIONS

Following questions from the Sub-Committee, the Police Licensing Officer confirmed that the vodka the 13 year old girl had drunk had been sold by Herts Off Licence to an adult male; that a witness had seen that a single can had been sold to a street drinker and that there had been time delays in providing CCTV footage to the Police as requested.

The Police Licensing Officer put the view that he did not consider that Mr A.Bilgili had purposefully failed to comply with the conditions of his licence and was fully committed to making the necessary improvements.

The Police Licensing Officer went on to explain that the whole of Hatfield Town Centre was now subject to a Public Space Protection Order (PSPO), which had not been in place when Mr A.Bilgili had been granted a licence. The PSPO had been introduced to give more powers to partners to address anti-social behaviour, including street drinking, in the town centre. It was only fair and equitable that any breach of licence conditions be addressed. Support would be given to all businesses in order to reduce the number of instances of ASB and street drinking.

Members asked when the details of the street drinkers would be made available to the Licence Holder.

The Police Licensing Officer explained that the file was being collated and it was expected that it would be ready in the very near future. A copy of the new file, which would be updated periodically, would be shared with all license holders in the town centre. The Police Licensing Officer would continue to keep in regular contact with Mr A.Bilgili and other businesses.

The Police Licensing Officer, in response to further questions from the Sub-Committee Members, explained that the adult male who had purchased the bottles of vodka which the young girl had drunk appeared to have special needs. It was difficult to be certain of this from holding a brief conversation with him during a sales transaction. However, the adult male had presented three times at Herts Off Licence and had not been challenged when served. There had not been communication between the members of staff regarding the unusual number of similar transactions.

4.1. Premises Licence Holder

Mr M.Bilgili, on behalf of the premises licence holder, stated that the number of bottles reportedly sold to the adult male was incorrect and had been less than

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ten. Mr M.Bilgili went on to query who would be sanctioned. The adult male had purchased the alcohol from their shop and had not been sold directly to the young girl. The transaction in the shop had not been illegal. What had happened to the pub where the party for 13-14 year olds had been held? The CCTV footage had been given to the Police without delay. The delay had been due to the lack of technical knowledge of Mr A.Bilgili. All footage was sent directly from his (Mr M.Bilgili's) mobile telephone. They never burnt CDs or used USBs. The Herts Off Licence had not committed a crime, so who would get sanctions against them?

The Council's legal representative advised that the matter of further sanctions was not for the Sub-Committee but was a matter for the Responsible Authority.

4.2. Determination

The Sub-Committee Members and the Council's legal representative withdrew from the room whilst the case was deliberated.

The Sub-Committee Members and the Council's legal representative returned to the meeting and the Chairman gave notice.

"This is the review of the premises licence of Herts Off Licence, 1 Market Place, Hatfield.

The Licensing Sub-Committee has considered all the representations made orally and in writing of the Responsible Authority, the licence holder (and his representatives) and the Licensing Officer.

The Sub-Committee further considered the licensing objectives under the Licensing Act 2003, together with the guidance. Given the need to ensure compliance with those objectives, the guidance and the conditions agreed by the Responsible Authority and the Licence Holder, we approve the conditions as handed up to us.

These conditions will be added to the current licence".

Meeting ended 3.20pm
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