

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE A
THURSDAY 13 MARCH 2008**

Councillors Demirci, Patel (Chair) and Vanier

1.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
2.	<p>URGENT BUSINESS</p> <p>None received.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
4.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
5.	<p>MANGOL OCAKBASI, 443 GREEN LANES, N4</p> <p>RESOLVED</p> <p>The Licensing Sub Committee (the Committee) decided to uphold the review application brought by the Enforcement Service, acting as a responsible authority, and agreed to suspend the license for a period of two weeks.</p> <p>In determining the application the Committee considered the steps that it could take in order to promote the licensing objectives. The Committee considered:</p> <ol style="list-style-type: none"> 1. To take no further action: <p>On hearing all of the evidence presented to take no further action was not an option for the Committee.</p> <ol style="list-style-type: none"> 2. To issue formal warnings to the premises supervisor and/or premises license holder: <p>The Committee did not feel that this was a productive option as it would only be repeating the approach taken by the Council on the 13th February 2006, in writing, to the licensee warning that a breach of conditions could result in the review of the license and the courts by imposing fines following prosecution.</p> <ol style="list-style-type: none"> 3. Modify the conditions of the licence: <p>The Committee was satisfied that on the basis of the evidence presented including details of prosecutions for non compliance with conditions on the licence that any modification of</p>	

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conditions would not be complied with.

4. Exclude a licensable activity from the scope of the licence:

The Committee felt that due to the nature of the establishment excluding late night refreshment from the licence and only allowing the supply of alcohol for consumption both on and off the premises without the benefit of food could potentially have a detrimental effect to the promotion of the licensing objectives.

5. Remove the designated premises supervisor:

The Committee did not feel that this was applicable or proportionate as there was no evidence that alcohol was being served after 1:45am.

6. Revoke the Licence:

The Committee decided that the revocation of the Licence was not necessary or proportionate to the promotion of the licensing objectives.

Reasons for suspending the license for 2 weeks:

The Committee considered the evidence submitted by the responsible authority and interested parties. The Committee had particular regard to the prosecutions outlined and the determinations made by the Court.

The Committee found that the conduct demonstrated by the licensees towards officers, carrying out enforcement duties and the consistent disregard of the licence conditions convinced them that modification to current conditions or exclusion of a licensable activity would be disregarded by the licensees.

The Committee took into consideration the licensees assertions that they would not have offended if they had known of the possibility that their licence could be revoked but noted that there had been a revocation of a licence under the previous night cafe legislation and that there were allegations of breaches of condition after the notice of this review served on the licensee on the 29 January 2008.

The Committee noted that a written warning was hand delivered to the licensee at the licensed premises on the 13 February 2006, also that verbal warnings had been given about the possibility of a license review and in addition warnings had been given about the possibility of prosecution.

The Committee considered the evidence given by the licensee

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and found that problems were created because customers on the premises had been permitted to enter during licensed hours but remained on the premises past opening hours because of the time taken to serve them and for them to consume their meal. The Committee were satisfied that this could have been controlled by proper management and tight controls of when last orders were taken.

The Committee also noted from the evidence that takeaways were being served outside licensable hours.

In reaching this decision the Committee took into account the human rights of the licensee, the protection of family and private life. The Committee was also aware of the importance of the licensing trade to the local economy and to the culture and leisure aspirations.

Informative:

The Committee agreed that if the licensees do not comply with the conditions on their license then they should note that a further review could be brought by responsible authorities or interested parties.

**Cllr Jayanti Patel
Chair**