



## DECISION NOTICE

Date	30 <sup>th</sup> January 2018
Applicant	Lancashire Constabulary
Premises and Licence Holder	Ahmets, 3a Henry Street, Lytham Mr Ahmet Mert and Mr Metin Mert
Reason for Hearing	The Licensing Authority has received an application for the review of the premises licence at Ahmets, 3a Henry Street, Lytham.  The Licensing Authority must therefore hold a hearing to consider the application.
Parties in Attendance	<p><b>Panel:</b></p> <p>Councillor Angela Jacques - Convenor, Councillor Jan Barker, Councillor Keith Beckett.</p> <p><b>For the Applicant:</b></p> <p>PC Emma Pritchard representing Lancashire Constabulary</p> <p><b>For the Premises Licence Holder:</b></p> <p>Rodger Wightman, The Licensing Practice Ltd, representing Ahmet Mert and Metin Mert</p> <p>Mr Kirk, Deputy Chairman of St Annes Enterprise Partnership as character witness for Mr Ahmet Mert.</p> <p><b>Responsible Authorities:</b></p> <p>Philip Dent representing Environmental Protection Rob Buffham representing Planning Chris Hambly representing Fylde Council Licensing Authority.</p>

The licensing authority received an application for the review of the premises licence at Ahmets, 3a Henry Street, Lytham. The Licensing Authority must therefore hold a hearing to consider the application.

In considering an application for review, the panel must consider whether any of the steps set out in section 52(4) of the Licensing Act 2003 are appropriate for the promotion of the licensing objectives, and take such steps as it does consider are appropriate.

The review application was made on behalf of Lancashire Constabulary, a responsible authority, and was stated to relate to the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance

Following the submission of the application to review the premises licence, representations were received from these responsible authorities:

- Environmental Protection
- Planning
- Fylde Borough Council Licensing Authority

We thank all those concerned for their attendance and contributions.

The panel heard a summary of some of the matters which had led to the application coming before the panel.

PC Pritchard provided evidence of two occasions where one or more of the licensing conditions had been breached. Police officers had found the licence holder to be uncooperative and dismissive when approached about licensing breaches. PC Pritchard concluded that this type of unapologetic attitude was not in-line with promoting the licensing objectives.

Mr Dent (for the environmental protection authority) provided members with a general overview of the complaints received from activities in Henry Street. It was noted by the panel that the complaints received related to noise from the area in general and not specifically to the premises in question. However, the premises staying open longer than permitted delayed the dispersal of persons from the area.

The representation from planning was confined to drawing the attention of the panel to the permitted hours of operation under the planning permission for the premises.

The panel heard from Mr Hambly (for the licensing authority) that monitoring visits had disclosed that conditions of the licence relating to the display of certain notices and the operation of the CCTV system were not being complied with. He added that letters and visits to provide guidance and advice had not been acted upon by the licence holder, whose attitude to the requirements of the licensing system had been cavalier. Mr Hambly conceded, when questioned, that the non-compliance he had observed was during a time when no licensable activity was being carried on.

Mr Wightman advised the panel that his clients apologised and fully accepted their shortcomings and were willing to work with the authorities to achieve full compliance. The licence holder had volunteered a set of conditions which they hoped would enable the respective authorities to have renewed confidence in their commitment to work constructively to achieve compliance. He pointed out that the panel should confine their consideration to the operation of the particular premises under the current licence and not take into account historical matters. He submitted that the presence of large numbers of over-refreshed people in the area of Henry Street could not be attributed to the premises, which did not serve alcohol, and was exacerbated by the taxi rank outside the premises.

We were dismayed to hear of the history of non-compliance associated with the current licence for the premises. We accept that the matters mentioned by Mr Hambly occurred before 11.00pm, and therefore while licensable activities were not being carried on at the premises. However, we were entitled to, and did, draw the inference that the state of affairs he observed must have continued after the start of licensable activities at 11.00 p.m.

The non-compliance was compounded by the attitude of the licensee. We agreed with the licensee's representative that the situation was 'totally unacceptable'. But do not share his confidence that the introduction of additional conditions alone would rectify matters.

The panel accept that it is no function of the licensing system to punish a licence holder. But are mindful that a licence can be suspended as a means of deterring the holder from allowing the problems that gave rise to the review to happen again.

The panel have therefore decided to suspend the license for the premises for one calendar month, that is from 1 March to 31 March 2018. We have also decided to include three additional conditions as follows, based around those put forward by the licence holder's representative:

1. Customers shall not be admitted to the premises for at least 10 (ten) minutes prior to the terminal hour for the provision of licensable activities specified in the Premises Licence. The door to the premises shall be closed at this time, apart from egress purposes.
2. Signs or notices must be displayed advising that the doors of the premises will be closed no later than 10 (ten) minutes prior to the terminal hour for the provision of licensable activities of the premises and there will be strictly no further admittance to any customers.
3. On all occasions when the premises remain open after midnight, at least one SIA registered door supervisor shall be employed from no later than 12.30am until the premises close for business. The door supervisor shall not be engaged in any other duties which prevent him from exercising supervision.

That is our decision and we thank everyone for their assistance.