

Application for Premises License for Late Night Refreshment

Ephesus 11a Church Street Tamworth

SUPPORTING STATEMENT

This application, submitted on behalf of Mr Darioglu and Mr Palas, is for a premises licence for late night refreshment i.e. the sale of hot food until 02.30hrs Monday-Sunday.

Ephesus has been trading from these premises for approximately 16 years. It is extremely popular as evidenced by the submitted petition from customers supporting this application for it to be allowed to open later than at present.

During the whole of the time a take-away has been operating from these premises there have been no significant incidents other than a single incident in June of last year when the business was in the ownership of a Mr Kulash. This resulted in the revocation of the licence and a refusal to transfer the licence to Mr Darioglu because of his association with Mr Kulash.

We understand the police and licencing committee's reluctance to issue a licence to anyone associated with the previous regime. We can confirm, however, that such an association no longer exists; Mr Darioglu and Mr Palas are close to finalising a new 25 year lease on the property, and they no longer live in the same property as Mr Kulash, having now moved to rented accommodation in Tamworth. We are able to provide evidence regarding these points if required in the form of a draft lease, solicitor's details, tenancy agreements and utility bills.

The current applicants have been closing at 11pm each evening. This has had an extremely detrimental effect on the profitability of the business to the extent that, without the proposed hours extension, it is unlikely they would be able to carry on trading. It seems very unfair that Mr Darioglu and Mr Palas should be penalised for once having known/worked for the previous licence holder.

If there are any significant concerns regarding the issuing of this licence we would be happy to meet with whomever in order to address these. We are amenable to amending or bolstering the suggested licence conditions if this is considered to be necessary. We might even suggest the granting of the licence on a temporary basis, during which time the conduct of the current licence holders could be monitored, if this was thought necessary.

We gather that following an incident at Joba's, in Bolebridge Street, their licence was reviewed and reinstated after a short suspension.

We trust that the licencing authority and responsible bodies, including the police, will look favourably upon this application and give us the opportunity to address any concerns they may have.

Croft Consulting Ltd

July 2014

Annex 1 - Mandatory Conditions

3 Mandatory condition: door supervision (Section 21)

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be
 - (a) authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) entitled to carry out that activity by virtue of Section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3 (2) of that Act) (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions Consistent with the Operating Schedule

The Prevention of Crime & Disorder

- 1) The premises licence holder shall be present at all times when the premises are open to the public. In the absence of the premises licence holder, a person who is not under the age of 21 years shall be present on the premises and in charge of the premises. Such a person shall be in charge on the written authority of the premises licence holder.
- 2) There shall be at least one SIA registered door supervisor present at all times that the premises are open for trade from 01:30 hours on Thursday, Friday, Saturday, Sunday, and will remain at the premises until such time as the premises are closed, doors shut and all members of the public have left the premises.
- 3) Any person performing the duties of a door supervisor shall be in possession of and display a valid authority to do so.
- 4) There shall be a register held at the premises which will include the full name, address, a contact number, licence number and expiry date, start time and finish time of each door supervisor working at the premises.
- 5) The register shall include the company name, address, contact number and contact name for all supervisors working at the premises.

- 6) The register shall be produced and made available for immediate inspection upon the request of any responsible authority.
- 7) Colour CCTV shall be installed at the premises to cover the entrance and all internal areas of the premises except for toilets and private rooms to which the public do not have access.
- 8) There shall be a colour monitor showing the views from all cameras in operation behind the serving area which is not able to be viewed by any member of the public.
- 9) The CCTV shall be operated in accordance with the digital specification and directions of the Chief Constable.
- 10) A competent trained person in the use of and operation of the CCTV shall be in attendance at the premises at all times that the premises are open to the public and be able to fully operate the CCTV system to be able to download in a recognised format any information requested by the Police.
- 11) A facility shall be available for the Police to be able to immediately remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.
- 12) Clear signage shall be displayed at the entrance of the premises indicating that CCTV is in operation.
- 13) All CCTV images shall be retained for a period of not less than 31 days and any evidential incidents will be downloaded and stored in a secure system until such time as collected by an appropriate authority.
- 14) A detailed customer code of conduct poster shall be displayed at the entrance of the premises warning persons that if they act in an inappropriate manner they could be barred from the premises.
- 15) Crime prevention literature shall be displayed at the entrance to the premises.
- 16) A notice advising customers to leave the premises quietly and respect the needs of residents shall be displayed at the exit of the premises.
- 17) Any incidents of crime and disorder shall be recorded in an incident register which will be produced and made available for immediate inspection at the request of a responsible authority.
- 18) The premises licence holder shall ensure regular liaison with Tamworth Town Centre Police.
- 19) Soft drinks shall not be sold in glass containers.

Public Safety

- 20) The premises shall become active and participating members of Tamworth Town Safe. A representative of the premises will attend all meeting of Pub Watch and the premises will operate the town centre radio at all time the premises are open to the public.

- 21) There shall be first aid equipment / boxes accessible whenever licensable activities are taking place.
- 22) There shall be at least one member of staff with a nationally recognised first aid certificate present at all times the premises are open to the public.
- 23) No customers shall be permitted to enter or gain access to any areas other than the front of shop waiting area.
- 24) All equipment shall be kept out of the reach of customers.

The Prevention of Public Nuisance

- 25) No external speakers shall be sited at the premises.
- 26) Noise shall not be directed outside of the premises except for that caused by the opening and closing of entrance / exit doors.
- 27) All external doors used by the public shall be fitted with a self closing mechanism except for fire doors.
- 28) Staff shall supervise customers leaving the premises and shall encourage them to disperse.
- 29) Staff shall encourage customers not to loiter outside the premises and to leave the premises and area quietly so as not to cause a nuisance.
- 30) Any door supervisors shall encourage customers to leave the front of the premises and not congregate on the footpath once they have left the premises.
- 31) The premises licence holder if present, or the person in charge of the premises if not, shall ensure that any litter associated to the premises is cleared from the street and disposed of as per waste disposal regulations.

The Protection of Children from Harm

Conditions to be inserted if necessary upon advice of Council, Police and other responsible authorities

