

Darren Mephram
Chief Executive

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Licensing Sub-Committee

1:1250

Time of Plot:
09:46

Date of Plot:
04/03/2015

Plot generated by:
HPP

Department :
Licensing and Registration

**Application for Review of a Premises Licence under
Section 51 of the Licensing Act 2003**

(1)

Reference number:
B.3-01/2015

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

(2) **We South Wales Police**

Apply for the review of a premises licence for the premises described in Part 1 below

Part 1 - Premises details

Postal address of premises: MAESTEG CHARCOAL GRILL, 25 COMMERCIAL STREET	
Post town: MAESTEG	Postcode (if known): CF34 9DH
Telephone number: (01656) 735757	

Name of the premises licence holder: RAMAZAN KANAL

Number of the premises licence holder: BCBCLP134 issue 4 of 19/9/2013
--

Part 2 - Applicant details

I am

1) an interested party (Please complete section (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in businesses in the vicinity of the premises

Please tick ✓ yes

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Delete any words that do not apply

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant(s)

2) A responsible authority (please complete (c) Below)

<input checked="" type="checkbox"/>

3) A member of the club to which this application relates (Please complete (A) below)

<input type="checkbox"/>

(A) Details of Individual Applicant (fill in as applicable)

Licensing Act 2003

Section 51 and 87

Mr

Mrs

Miss Ms

Other title
(for example, Rev)

--	--

Surname

First Names

Please Tick / Yes

Day	Month	Year
-----	-------	------

I am 18 years old or over

--	--	--	--	--	--

Current address

Post town

Postcode

Daytime Contact telephone number

Email Address (optional)

(B) Details of other applicant

Name and Address

Post Town

Postcode

Date of Birth

Day	Month	Year

Telephone Number (If any)

C) Details of Responsible Authority (please see guidance note 5)

South Wales Police

The Chief Officer of Police
Chief Constable 4395 Vaughan
Police Headquarters
Cowbridge Road

Post Town Bridgend

Postcode CF31 1BZ

Telephone number

(01656) 655555

Email Address

(Optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

1) The Prevention of Crime and Disorder

2) Public Safety

3) The Prevention of Public Nuisance

4) The Protection of Children from Harm

Please state grounds for review (please see guidance note 1)

Please provide as much information as possible to support the application (please see guidance note 2)

The Licensing Act 2003 went "live" on 24th November 2005.

The grounds for this review are based on promoting 2 key licensing objectives and the application is based on the failure to promote the objectives despite enforcement undertaken by two responsible authorities and another agency.

THE PREMISES LICENCE HOLDER - RAMAZAN KANAL

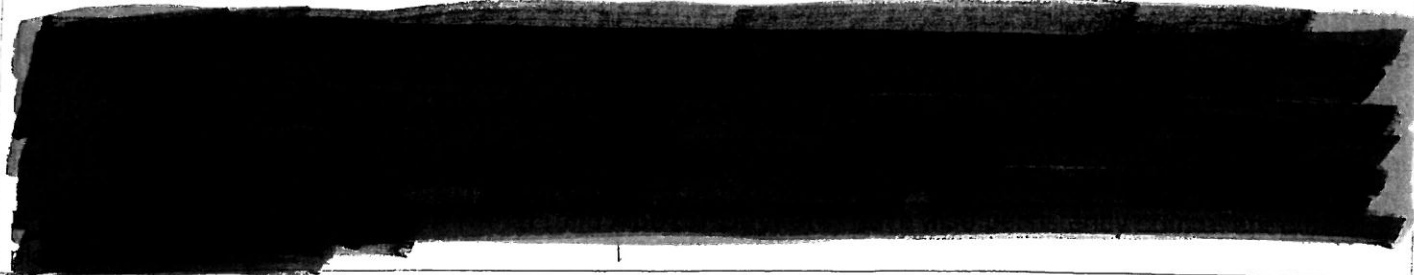
Ramazan Kanal has an association with Maesteg Charcoal Grill dating back to 2009 at least.

From 30th November 2011 until 27th August 2013 he was joint holder of the Premises Licence with his business partner [REDACTED]

However, on 27th August 2013 he made application to transfer the licence with immediate effect to remove [REDACTED] and make himself the sole licensee.

Offences committed by Ramazan Kanal impact on a number of areas of legislation.

Since 2011 he has committed the most serious of offences under the Licensing Act 2003 by failing to adhere to the conditions of the licence.



Furthermore during a planned enforcement visit by the United Kingdom Borders Agency (UKBA) on 20th June 2014 a Turkish national migrant worker was found to be employed at the premise.

Enquiries revealed that he had overstayed the terms of his UK entry visa contrary to the Immigration Act 1971 and was not permitted to work

UKBA refer to those whose visa has expired as "*overstayers in the UK*".

Employing an individual who has no authorisation to work is contrary to the Immigration, Asylum & Nationality Act 2006.

The aforesaid Acts are highlighted in more detail within the review.

What should be of serious concern to the Licensing Sub-Committee is that the offending is not only persistent but responsible authorities have attempted to prevent further wrongdoing by giving advice as well as verbal and written warnings.

As per the guidance issued by the Home Office South Wales Police dealt with the initial offending by way of written warning which was served in 2011.

Further offending took place in May 2013 whereupon South Wales Police served a final warning on the licensee's Ramazan Kanal and [REDACTED] informing them unequivocally that the licence would be reviewed if the situation didn't improve.

However; Ramazan Kanal became the solitary licensee in August 2013 and again chose to completely ignore that warning as he was responsible for employing the foreign migrant in 2014.

Infact all preventative measures to date have fallen on deaf ears.

The immigration offence alone is one which Home Office guidance strongly suggests should trigger the review procedure and in so doing goes further and directs Licensing Sub Committees to seriously consider revocation of the licence even in the first instance.

THE PREMISE

The layout of the premise is typical of a takeaway and consists of a waiting area and servery on the ground floor where the general fare on offer is kebabs, pizzas, burgers and fried chicken.

Such establishments therefore cater predominantly for late night revellers who eat "*out of hand*".

It is situated in Commercial Street in Maesteg town centre in a row of terraced buildings comprising businesses, flats and bedsits and the area contains a high concentration of licensed premises and therefore experiences a high volume of pedestrian and vehicular traffic.

Consequently there is a disproportionate amount of crime, particularly alcohol related violent crime, public disorder, anti-social behaviour, public nuisance, litter and noise pollution within this area.

There is a flat above the takeaway which is inhabited by the licence holder and other dwellings are situated

nearby.

THE PREMISES LICENCE

The provision of late night refreshment is the supply of hot food or hot drink between 23.00 hours and 05.00 hours.

It is important that the Sub-Committee familiarise themselves with the licence briefly however, the following activity and opening timings are permitted: -

The licensable activities authorised by the licence are:

Provision of late night refreshment

Times the licence authorises the carrying out of licensable activities:

Sunday to Thursday: 23.00 – 00.00 hours

Friday and Saturday: 23.00 – 02.00 hours

Opening hours of the premises:

Sunday to Thursday: 16.00 – 00.00 hours

Friday and Saturday: 16.00 – 02.00 hours

There are no conditions attached at Annexes 1 and 3 although there are conditions appended at Annex 2.

THE PLANNING RESTRICTIONS

On 3rd July 2013 a third application was made by Ramazan Kanal, again as joint licence holder, to relax the opening times to permit opening from 09.00 hours until 01.00 hours Sunday to Thursday.

These hours were approved on 1st October 2013 despite the objections of South Wales Police.

Sub-Section 8.2 of the local authority's "*Statement of Licensing Policy*" states: -

"The licensing authority also recognises that terminal hours for planning consents may differ from licensing hours and therefore an applicant must observe the earlier closing time".

The opening hours have been extended under planning legislation on 2 occasions and these timings differ from the licensing authorisation.

It is important therefore to note the dates various hours were approved as there have been numerous contraventions of the planning hours both prior to and after the applications were determined.

Similarly there have also been contraventions of the hours of licensable activity.

Given the restrictions of both authorisations the premise is permitted to open between the following times only: -

Sunday to Thursday: 09.00 – midnight

Friday and Saturday: 09.00 – 01.00 hours (i.e. closure during the early hours of Saturday and Sunday morning)

THE LICENSING OBJECTIVES

THE PREVENTION OF CRIME AND DISORDER

South Wales Police work in conjunction with our partners at the United Kingdom Borders Agency (UKBA) exchanging information and intelligence and often accompanying them on enforcement visits when immigration warrants are executed at licensed premises.

This partnership has evolved since an important part of Home Office licensing guidance relative to reviews was updated to specifically focus on enforcement around serious criminality involving the unlawful

employment of illegal migrants.

The guidance is referred to elsewhere in the review.

OCCURRENCE 20th June 2014

UKBA conducted an intelligence led enforcement visit at the takeaway whereupon entry was gained by an immigration warrant under Section 28(B) which was granted by Swansea Magistrates Court.

A total of 4 employees were found working at the premise one of whom was the 25 year old Turkish national referred to.

In fact as far back as 29th September 2010 the offender had been subject of administrative removal procedures by UKBA issued under Section 10 of the Immigration & Asylum Act 1999.

UKBA officers then questioned both the offender and Ramazan Kanal who admitted to being the owner and that the staff member was working at the premise.

UKBA subsequently served a *Referral Notice* by post on Ramazan Kanal and such notices inform offenders that the case is being considered by the Home Office and a fine, also known as a civil penalty, of up to £20,000 for each illegal worker can be imposed.

PUBLIC NUISANCE

INCIDENTS AND OFFENDING

Several applications to extend the opening hours until 02.00 hours have been refused as it was felt that these hours would increase crime and disorder, public nuisance and anti-social behaviour at and in the vicinity of the takeaway.

Ramazan Kanal's failure to adhere to the closing restrictions is seriously at odds with the 3 decisions to refuse extended hours (*1 and 2 above*) and the determination of the appeal and impacts on the prevention of public nuisance objective.

BRIDGEND COUNTY BOROUGH COUNCIL'S "STATEMENT OF LICENSING POLICY"

Section 12 refers to REVIEWS OF LICENCES:

Paragraph 12.1 "*Reviews of Premises Licences represent a key protection for the community in respect of problems during the term of a Premises Licence.*"

HOME OFFICE GUIDANCE UNDER SECTION 182 OF THE ACT

Section 1 refers to LICENSING OBJECTIVES AND AIMS:

Sub-section 1.2 highlights that, "*The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.*"

Sub-section 1.3 details the objectives and 1.4 states that, "*Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.*"

Section 11 relates to REVIEWS: -

Sub-section 11.1 *"The proceedings set out in the 2003 Act for reviewing Premises Licences represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a Premises Licence."*

"Reviews arising in connection with crime"

11 27 *"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously."*

One of these activities is, *"Knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter."*

11 28 *It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered."*

The aforesaid guidelines are extremely specific to this application as they have been ignored.

Offences have been committed under the Licensing Act 2003, the Town & Country Planning Act 1990, the Immigration Act 1971 and the Immigration, Asylum & Nationality Act 2006.

The guidelines issued by UKBA are clear and unambiguous and are freely available to all employers on the Home Office website.

Similarly guidance under the Licensing Act requires a clear emphasis on promoting the licensing objectives

Illegal working is not a victimless crime as it exploits sometimes vulnerable migrants, and potentially defrauds the taxpayer, can deny employees a safe working environment, undercuts honest employees and limits the employment opportunities of legitimate jobseekers.

As an individual has been illegally employed there are clearly working opportunities available however; they have been denied to persons who are lawfully able to work.

Employing illegal workers is likely to result in Her Majesties Revenue & Customs (HMRC) being deceived by avoiding paying tax and National Insurance contributions.

It is also arguable whether transient non-British nationals who speak very little or no English and have little or indeed no knowledge of licensing law promotes the licensing objectives.

Licence holders have attempted to absolve themselves of any blame for employing such individuals by indicating that they have been supplied with fraudulent identification documents.

This is not only inaccurate and misleading but demonstrates a complete lack of due diligence.

UKBA offer an employee checking service which is freely available to employers who can and must verify the immigration status of potential migrant employees by conducting document checks.

There is also a help line manned by UKBA officials.

IMMIGRATION ISSUES

The following has been extracted from the Home Office UKBA website and is a:

SUMMARY GUIDE FOR EMPLOYERS ON PREVENTING ILLEGAL WORKING IN THE UK

“Illegal working has harmful social and economic effects on the UK; it undercuts British businesses and their workers that stay within the law and exploits migrant workers. As long as there are opportunities for illegal working the UK will be an attractive place for illegal migrants. That is why we need to put a stop to employers breaking the law by taking tough action against those who do so.

There is evidence that some workers employed illegally are paid less than the minimum wage, do not pay tax, and may be doing dangerous work that breaks health and safety regulations. Employers who use illegal workers may do so because they want to avoid providing minimum standards, such as the National Minimum Wage and paid holidays. This is harmful to the workers involved and enables dishonest employers to gain an unfair advantage over competitors who operate within the law”.

Illegal workers include: -

- students with expired visas
- students working more hours than they are allowed to
- persons who work on a visitor's only visa
- persons who have illegally entered the UK

IMMIGRATION, ASYLUM & NATIONALITY ACT 2006 (KNOWN AS THE 2006 ACT)

The following information is freely available on the Home Office UKBA website and is summary guidance for employees and Human Resources (HR) staff involved in recruiting people and aims at preventing illegal working in the UK: -

It contains important information and advice on:

- *the law on illegal working*
- *your role and duty as an employer*
- *the document checks you should carry out*
- *the various documents you could be given*
- *the various types of immigration statuses held by people; and*
- *the consequences if you do not carry out your duty and UKBA find you employing an illegal worker.*

THE LAW AND YOUR DUTY AS AN EMPLOYER

"The law on preventing illegal working is set out in sections 15 to 25 of the 2006 Act.

These rules came into force on 29th February 2008.

You are breaking the law if you employ a person who does not have the right to work in the UK.

You can be fined up to £20,000 for each illegal worker or face criminal prosecution."

YOUR DUTY UNDER THE 2006 ACT

"Under the 2006 Act you have a duty to prevent illegal working by carrying out document checks to confirm if a person has the right to work in the UK.

You should check and keep copies of original, acceptable documents before someone starts working for you.

If a person has a time limit on their stay then you should carry out repeat checks at least once every 12 months.

If a person has a restriction on the type of work they can do and, or, the amount of hours they can work, then you must not employ them in breach of these restrictions.

You should also verify that a person has the right to work when certain documents or scenarios are presented to you.

You can find out more about carrying out document checks in the section 'Right to work document checks'.

This duty applies to anyone who starts working for you on or after 29 February 2008."

PENALTIES IF YOU FAIL TO CARRY OUT YOUR DUTY

If you do not carry out these checks you may be required to pay a fine, known as a civil penalty, under Section 15 of the 2006 Act if you employ an illegal worker.

An illegal worker is defined as someone who:

• is subject to immigration control; and

• is aged over 16; and

• is not allowed to carry out the work in question because either they have not been granted leave to enter or remain in the UK or because their leave to enter or remain in the UK:

is invalid,

has ceased to have effect (meaning it no longer applies) whether by reason of curtailment, revocation, cancellation, passage of time or otherwise, or

is subject to a condition preventing them from accepting the employment.

A civil penalty up to a maximum amount of £20,000 for each illegal worker can be imposed on you.

We can serve you with a Notice of Liability to pay a penalty for a specific amount on behalf of the Secretary of State."

A Notice of Liability has since been replaced by a Referral Notice.

CRIMINAL OFFENCES COMMITTED BY RAMAZAN KANAL

THE LICENSING ACT 2003

1) Offence: Section 136

A) Carry on or attempt to carry on a licensable activity on or from any premise otherwise than under and in accordance with an authorisation i.e. a Premises Licence and the conditions which form part of it

OR

B) Knowingly allow a licensable activity to be so carried on.

The offences are considered so serious that the penalties are: -

- 1) A fine of up to £20,000 and/or a term of imprisonment on summary conviction not exceeding 6 months.
- 2) All alcohol and containers may be forfeited and destroyed.
- 3) The Premises Licence may be reviewed under Section 51.
- 4) Suspension or forfeiture of a Personal Licence.

SECTION 10 OF THE IMMIGRATION & ASYLUM ACT 1999

Section 10 contains the provisions under which certain categories of people who are in the UK unlawfully may be subjected to administrative removal procedures.

A person who is not a British citizen may be removed from the UK, in accordance with directions given by an immigration officer,

If:

He/she does not observe a condition of his limited leave to enter/remain or remains beyond the period of his limited leave.

OFFENCES COMMITTED UNDER THE IMMIGRATION ACT 1971 (EMPLOYEE)

1) Offence: Enter/remain in the UK without leave contrary to Section 24(1)(a)

Penalty: Six months imprisonment and / or a fine not exceeding level five (£5,000) on the standard scale.

Ramazan Kanal is liable for the offence of aiding and abetting an employee to enter the UK without leave as he is providing job opportunities.

2) Offence: Knowingly remaining beyond the time limited by leave ("overstaying" in the UK) contrary to Section 24(1)(b)(i)

Penalty: Six months imprisonment and / or a fine not exceeding level five (£5,000) on the standard scale.

A person commits the offence on the day when he or she first knows that leave to enter or remain has expired, and continues to commit it until such time as his or her position is regularised, for example through a further grant of leave in any category.

OFFENCES COMMITTED UNDER THE IMMIGRATION, ASYLUM & NATIONALITY ACT 2006
(EMPLOYER)

1) Offence: Employ adult subject to control who had not been granted leave to enter / remain in UK contrary to Section 21

Penalty: Indictment - imprisonment for a term not exceeding two years, a fine, or both.

Summary - imprisonment for a term not exceeding 12 months in England and Wales or 6 months in Scotland or Northern Ireland, a fine, or both

2) Section 18: Enforcement

1) A sum payable to the Secretary of State as a penalty* under Section 15 may be recovered by the Secretary of State as a debt due to him.

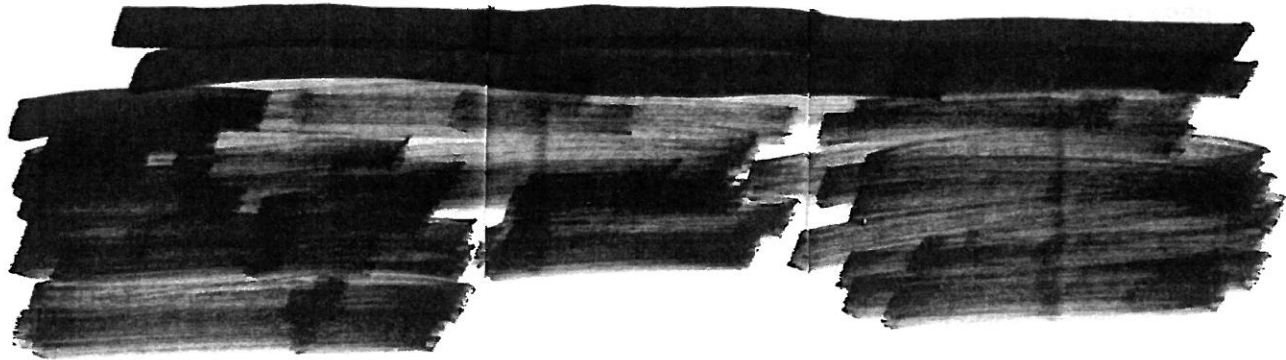
** Where a breach of Section 15 has occurred on or after 16th May 2014, the maximum civil penalty amount that can be imposed increased from £10,000 to £20,000 per illegal worker.*

One will note that the penalties for employing such persons are extremely severe but this has not deterred **Ramazan Kanal**.

Offences committed under the aforesaid acts directly relate to the Licensing Act as guidelines concerning reviews in connection with crime detail that certain immigration offences should be treated very gravely and give rise for review.

Ramazan Kanal has employed a person who had overstayed the terms of his UK entry visa and was not permitted to work.

The migrant was also residing above the takeaway and **Ramazan Kanal** appears to be exploiting his immigration status and potential vulnerability.



ENGAGEMENT WITH THE LICENCE HOLDER AND ENFORCEMENT ACTION

Home Office guidance under Section 182 of the Licensing Act relates to Section 11 "**REVIEWS**".

Paragraph 11.11 indicates that, *"It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, responsible authorities and any other persons in pursuit of common aims. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."*

Responsible authorities have attempted to rectify given situations at premises failing to promote the licensing objectives by undertaking various forms of enforcement highlighted above.

WARNING LETTERS SERVED ON THE PREMISES LICENCE HOLDER BY SOUTH WALES POLICE

The following warnings were served on: -

1st December 2011
13th May 2013

The warning served in 2013 was final and the letter is extremely significant as **Ramazan Kanal** was informed that if the situation persisted then the licence was likely to be reviewed.

As highlighted he simply chose to ignore that advice and, given his attitude, there seemed little point in pursuing other avenues of engagement.

REQUEST FOR CCTV/WARNING LETTER SERVED ON THE PREMISES LICENCE HOLDER BY SOUTH WALES POLICE

30th December 2014.

Ramazan Kanal was unable to fully comply with this request again in contravention of the licence.



South Wales Police therefore feel that there is no alternative but to review the Premises Licence in light of:-

- the clear guidelines given by the Home Office in respect of offences committed under both the Licensing and Immigration Acts
- persistent offending
- the warnings issued by two responsible authorities

- the failure to comply with the warnings and the notice
- the number of like offences subsequently committed
- the concerns of both South Wales Police and the Home Office of employing illegal migrants
- the impact on these illegal activities on the licensing objectives

REVIEWS - GENERAL

A considerable number of premises within the borough have been subject of varied enforcement and licence holders have been given advice, received verbal and written warnings and had meetings with South Wales Police which are designed to make management aware of police concerns to encourage them to address the problems being experienced.

There have also been prosecutions resulting in offenders receiving substantial fines as well as having their Personal Licences suspended (alcohol only).

Ultimately the review procedure has also been utilised and licences have been suspended and restricted conditions have been appended to authorisations including a reduction of opening hours.

Ultimately licences have also been revoked including those of 3 other food establishments where illegal migrants were employed and offences committed.

South Wales Police however; feel that the mindset of management is such that review is the only appropriate form of enforcement which will promote the licensing objectives.

There are approximately 530 premises within the borough which are licensed and additionally hundreds of Temporary Event Notices i.e. short term licences known as TEN's have been authorised for events.

The Licensing Sub-Committee should also note that reviews have had an extremely positive effect on licence holders who have not had their authorisation revoked as they have caused them to manage their venues more responsibly, conscientiously and professionally thereby promoting the objectives which in turn has led to a very substantial reduction in reported incidents at those premises.

REVIEW RECOMMENDATIONS

As previously highlighted reviews represent a key protection for the community in respect of problems during the term of an authorisation.

Any decision made by the Sub-Committee must be taken following consideration of the representations received with a view to promoting the objectives.

In the case of a review the Sub-Committee may make a number of determinations which are highlighted within the guidance and should be outlined in the Officers Report.

In particular the guidelines which focus on reviews in connection with crime detail that the immigration offences alone should be treated very gravely and lead to review.

However; **Ramazan Kanal** has also committed the most serious of offences under the Licensing Act.

CONCLUSION

Guidelines dictate that licensing authorities, the police and other law enforcement agencies will use the review procedures effectively to deter criminal activities one of which is the employment of a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

Guidance highlights that revocation of the licence, even in the first instance, should be seriously considered by Sub-Committees if it is determined that the premise is being used to further crimes which impacts on the crime prevention objective.

This is such a case as the takeaway is being used to commit offences under the Immigration Act and the Immigration, Asylum & Nationality Act.

This offence in itself warrants revocation and is strengthened by the other serious offences which have been committed.

South Wales Police respectfully suggest that the situation will not change and feel that the only option open which would address the systematic failures outlined in these submissions and promote the licensing objectives is to: -

REVOKE THE PREMISES LICENCE.

[Empty rectangular box]

Have you made an application for review relating to these premises before?

Please tick ✓ yes

If yes, please state the date of that application

Day		Month		Year	

[Large empty rectangular box for date entry]

Please tick ✓/yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises license holder
- I understand that if I do not comply with the above requirements my application will be rejected

It is an offence, liable on conviction to a fine of up to level 5 on the standard scale, under section 158 of the licensing act 2003 to make a false statement in or in connection with this application

Part 3 - Signatures (please read guidance notes 3 and 4)

Signature if applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature

William R 5623 JP

Date **22nd January 2015**

Capacity **Chief Constable 4395 Peter Vaughan**

Notes for guidance

1. The grounds for review must be based on one of the licensing objectives
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
3. The application form must be signed
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address we shall use to correspond with you about this application

NOT PROTECTIVELY MARKED

MAESTEG CHARCOAL GRILL



Pen-y-bont ar Ogwr
Mwy Diogel



Safer Bridgend

www.saferbridgend.org.uk

**APPLICATION FOR A REVIEW OF THE
PREMISES LICENCE**

WARNING LETTERS

NOT PROTECTIVELY MARKED



Community Safety Partnership
Licensing Department
Police Station
Brackla Street
Bridgend
CF31 1BZ
B.3-550

30th December 2014

Ramazan Kanal
Premises Licence holder
Maesteg Charcoal Grill
25 Commercial Street
Maesteg
CF34 9DH

REQUEST FOR CCTV – MAESTEG CHARCOAL GRILL

As per condition 6 of your authorisation South Wales Police are formally requesting that you as Premises Licence holder provide copies of CCTV footage for the following dates and times: -

- Between 01.00am and 02.00am on Sunday 7th December 2014 (i.e. Saturday night).
- Between 01.00am and 02.00am on Saturday 27th December 2014 (i.e. Friday night).
- Between midnight and 01.00am on Monday 29th December 2014 (i.e. Sunday night).
- Between midnight and 01.00am on Tuesday 30th December 2014 (i.e. Monday night).

Footage is required from all cameras positioned inside and outside the premise and is to be supplied to the Licensing Department at the above address within 7 days of receipt of this letter which will be hand delivered.

The following are conditions of your Premises Licence relative to CCTV: -

Annex 2 - Conditions Consistent with the Operating Schedule

The Prevention of Crime and Disorder:-

1. The Premises Licence Holder shall retain and maintain the installation of CCTV at the premises to the satisfaction of the South Wales Police Crime Reduction Officer.
2. The Premises Licence Holder shall ensure that all aspects of the CCTV system comply with the Data Protection Act 1998. The Office of the Data Protection Supervisor has produced guidance in relation to how the Act should be interpreted, including advice

on the required signage.

3. The Premises Licence Holder shall install CCTV at or near to the entrance(s) and exit(s) to the premises and record ingress and egress of customers. CCTV will also be located in all other areas to which the public has access (excluding the toilet areas).

4. The Premises Licence Holder will arrange for signs to be placed in a prominent position visible to customers, stating that CCTV is in operation at the premises. The sign must show the controllers contact details.

5. There will be a storage facility of CCTV images of up to thirty one days covering the maximum number of days in a calendar month.

6. The Premises Licence Holder must make recordings of images available on request to any officer of the South Wales Police in the course of their duties as soon, as is reasonably practicable. Therefore adequate training will have to be provided to duty staff in order to comply with this condition

7. The Premises Licence Holder will be responsible for ensuring that the operating equipment is regularly checked and that it operates at all times during the opening hours.

8. The Premises Licence Holder shall provide and maintain a register to detail any CCTV recordings handed to the South Wales Police in a format to be approved by the Police. The details of both the person handing over the recordings and the Police Officer receiving them should also be documented.

9. The Premises Licence Holder shall provide a secure room to house the CCTV console and recording equipment and shall restrict access to the room to designated persons, such persons to be notified in writing to the South Wales Police.

Under Section 136 it is an offence to: -

A) Carry on or attempt to carry on a licensable activity on or from any premise otherwise than under and in accordance with an authorisation i.e. a premises licence and the conditions which form part of it

OR

B) Knowingly allow a licensable activity to be so carried on

The offences in respect of the above are considered so serious that the penalties are: -

- 1) A fine of up to £20,000 and/or a term of imprisonment on summary conviction not exceeding 6 months.
- 2) All alcohol and containers may be forfeited and destroyed.
- 3) The Premises Licence may be reviewed under Section 51.
- 4) Suspension or forfeiture of a Personal Licence.

You should be mindful that South Wales Police has reviewed the licences of the following premises in Maesteg: -

Momtaj Indian Restaurant, 118 Commercial Street

Prince of Wales, 119 Commercial Street
New Hibernian, 13 Llwydarth Road

All 3 licences were revoked.

Many thanks.

Regards,

Sergeant 623 Williams

South Wales Police
Working with the Community



Heddlu De Cymru
Cydweithio Gyda'r Gymuned

CHIEF CONSTABLE

PETER VAUGHAN BSc Dip ACMP

PRIF GWNSTABL

Sergeant 623 Williams
Licensing Department
Community Safety Partnership
Police Station
Brackla Street
Bridgend
CF31 1BZ

Ref: RH/B.3-735/3
13th May 2013

Kamal Ramazan
Maesteg Charcoal Grill
25 Commercial Street
Maesteg
Bridgend
CF34 9DH

c.c.
Maesteg Charcoal Grill
25 Commercial Street
Maesteg
Bridgend
CF34 9DH

Dear Sir,

OFFENCES UNDER THE LICENSING ACT 2003

On Monday 6th May 2013 complaints were received that you were again trading outside the hours permitted by the Premises Licence which are highlighted as follows: -

Times the licence authorises the carrying out of licensable activities:

Provision of late night refreshment:-
Sunday to Thursday: 2300 - 0000 hours
Friday and Saturday: 2300 - 0200 hours

Opening hours of the premises:

Sunday to Thursday: 1600 - 0000 hours
Friday and Saturday: 1600 - 0200 hours

From Sunday to Thursday your hours of closing and licensable activity are the same as your restricted planning hours i.e. midnight and this complaint has duly been referred to the Planning Department, Bridgend County Borough Council.

South Wales Police served warning letters on you on 23rd May 2011 and 1st December 2011 similarly Planning Officers served a warning letter on you on 4th January 2012 for committing the same offences.

Infact you are currently subject of a Planning Contravention Notice, dated 11th February 2013.

Under Section 136 of the Licensing Act It is an offence to: -

A) Carry on or attempt to carry on a licensable activity on or from any premise otherwise than under and in accordance with an authorisation i.e. a Premises Licence and the conditions which form part of it

Or

B) Knowingly allow a licensable activity to be so carried on.

The penalties in respect of the above are considered so serious that the penalties are: -

- 1) A fine of up to £20,000 and/or a term of imprisonment on summary conviction not exceeding 6 months.
- 2) All alcohol and containers may be forfeited and destroyed.
- 3) The Premises Licence may be reviewed under Section 51.
- 4) Suspension or forfeiture of a Personal Licence.

You should be mindful that a nearby premise was recently subject of a Section 51 application whereupon the licence was revoked.

If the situation does not improve then there is every likelihood that you will be prosecuted and your licence will be subject of the review procedure.

Yours faithfully,

Sergeant 623 Williams
Central West Division

South Wales Police
Working with the Community



Heddlu De Cymru
Cydweithio Gyda'r Gymuned

CHIEF CONSTABLE

PETER VAUGHAN BSc Dip ACMP

PRIF GWNSTABL

Inspector 4656 Harris
Licensing Department
Community Safety Partnership
Police Station
Brackla Street
Bridgend
CF31 1BZ

Ref: RH/B.3-9944/3
1st December 2011

Kamal Ramazan
Maesteg Charcoal Grill
25 Commercial Street
Maesteg
Bridgend
CF34 9DH

c.c.
Maesteg Charcoal Grill
25 Commercial Street
Maesteg
Bridgend
CF34 9DH

(Hand delivered)

Dear Sir,

OFFENCES UNDER THE PLANNING ACT

On 23rd May 2011 South Wales Police served a warning letter on the premise as offences had been committed under both the Planning and Licensing Acts.

As you are aware police attended at the premise at 00:50 hours on Saturday 26th November and found the business to be trading whereupon Sergeant 3996 Lewis spoke with both of you and was informed that you are the new co-owners.

You denied any knowledge of receiving any warning letter and indicated that the Premises Licence permitted you to operate until 02:00am.

The officer then obtained a copy of the warning letter and read it to you (copy attached).

It is not uncommon for staff to indicate that warning letters have not been received particularly those which highlight that a licence only permits trade between certain hours and those hours are being abused.

Notwithstanding this the Divisional Licensing Officer Pc 2458 Ellis, attended at your premise on 20th May 2011 and spoke with Kamal Ramazan as a consequence of an assault upon him at 02.38am on Sunday 8th May 2011.

The assault again occurred outside your permitted hours of licensable activity and your restricted planning hours.

You were informed to comply with the legislation.

Despite this advice South Wales Police has continued to receive complaints that you are opening outside the permitted hours of licensable activity on Friday and Saturday thereby causing residents to experience noise and disturbance after midnight on these days.

In respect of the planning applications I can confirm the following: -

In 2005 [REDACTED] made application to: "Permit opening hours to correspond with approved licence (4pm - midnight Sunday to Thursday and 4pm - 2am Friday and Saturday)".

On 19th December 2005 the application was refused.

Reason: The proposal would constitute a source of nuisance to the residents of properties in close proximity to the site, by virtue of noise and disturbance, particularly in later evening contrary to Policy EV28 of the Bridgend Unitary Development Plan.

From Sunday to Thursday your hours of closing and licensable activity are the same as the restricted planning hours i.e. midnight.

However; although the closing times on Friday and Saturday are 02.00am under the Licensing Act the local authority recognises that earlier closing times under the Planning Act take precedence.

In other words the premise cannot open after midnight on any day of the week.

Local officers have been instructed to enforce the restricted conditions and report any offences to the relevant Licensing and Planning Departments so that appropriate action maybe taken against you.

Additionally although you are the new co-owners you have not made application to transfer the licence under Section 42 of the Licensing Act 2003 from the current licensee, [REDACTED]

Yours faithfully,


Inspector 4656 Harris
Central West Division

South Wales Police
Working with the Community



Heddlu De Cymru
Cydweithio Gyda'r Gymuned

CHIEF CONSTABLE

PETER VAUGHAN BSc Dip ACMP

PRIF GWNSTABL

Ps 3705 McGill
Licensing Sergeant
Community Safety Partnership
Police Station
Brackla Street
Bridgend
CF31 1BZ

Ref: JM/B.3-9600/1
23rd May 2011

Premises Licence Holder
Maesteg Charcoal Grill
25 Commercial Street
Maesteg
Bridgend
CF34 9DH

Dear Sir,

OFFENCES UNDER THE LICENSING ACT 2003

At 02.40am on Sunday 8th May 2011 South Wales Police received a complaint of assault upon Kamal Ramazan, a member of staff, who provided a witness statement in which he said that he was at his place of work at "approximately 02.30hrs when a male entered the shop and ordered food. He ate the food inside the shop".

Additionally the investigating officer has informed this office that, "The CCTV system is a dated VHS recorder and the cassette tape for that night had run out around midnight and had not been replaced".

May I remind you that: -

The licensable activity authorised by the licence is:

Provision of late night refreshment

Times the licence authorises the carrying out of licensable activities:

Sunday to Thursday: 16.00 - 00.00 (midnight)

Friday and Saturday: 16.00 - 02.00

Opening hours of the premises:

As above

Annex 2 - Conditions Consistent with the Operating Schedule

The prevention of crime and disorder:-

CCTV is installed within the premises

Annex 3 - Conditions attached after a hearing by the licensing authority:

CCTV to be installed as detailed in attached Appendix A which includes:

8) There will be a storage facility of CCTV images of up to thirty-one days covering the maximum number of days in a calendar month.

9) The licensee must make recordings of images available on request to any officer of the South Wales Police in the course of their duties as soon, as is reasonably practicable.

The result of non-compliance with these conditions is that an incident occurred when the premise should have been closed AND there is no evidence from within to corroborate the assault upon Mr. Ramazan.

Additionally these offences corroborate recent complaints received by the Licensing Authority which have been shared with the police that you are repeatedly engaging in licensable activity and opening outside your permitted hours.

On Friday 20th May 2011 officers attended at the premise and spoke with Kamal Ramazan and other members of staff and informed them that the conditions of the licence MUST be adhered to.

In respect of the trading hours South Wales Police contacted the Planning Department on 26th May 2011 and were informed that you are only permitted to open until midnight daily as several planning applications to relax these hours have been refused.

The Planning Department have now been advised that you are operating outside the restricted planning hours and you should be aware that the local authority recognise that earlier closing times (i.e. in this case the restricted planning hours under the Planning Act 1990) take precedence over later hours (in this case the hours under the Licensing Act 2003) regardless of the fact that the licensing hours are longer.

In other words the premise must close at the earlier hour.

South Wales Police have been requested to inform the Planning Department of any future breaches of planning restrictions whereupon they will take the appropriate enforcement action.

Under Section 136 of the Licensing Act 2003 It is an offence to: -

A) Carry on or attempt to carry on a licensable activity on or from any premise otherwise than under and in accordance with an authorisation i.e. a Premises Licence and the conditions which form part of it

Or

B) Knowingly allow a licensable activity to be so carried on.

The penalties in respect of the above are considered so serious that the penalties are: -

- 1) A fine of up to £20,000 and/or a term of imprisonment on summary conviction not exceeding 6 months.
- 2) The Premises Licence may be reviewed under Section 51.

You were previously served with a warning letter in 2009 for operating outside your permitted hours and I have now requested that local officers monitor the premise in order to ensure that you are complying with the Act and have forwarded a copy of this correspondence to Inspector Harris who is the Senior Officer responsible for policing the area.

This is your final written warning and if any further offences are committed in relation to the premises, under the provisions of the Licensing Act; this WILL result in you being prosecuted and/or having the Premises Licence reviewed.

Under Section 185 of the Licensing Act 2003 concerning the investigation of a complaint in respect of licensed premises a copy of this correspondence will also be disclosed to the Licensing Authority.

A further copy will be served on the Planning Department.

Yours faithfully,

Jason McGill
Licensing Sergeant 3705
Central West Division