

## REVIEW OF PREMISES LICENCE

### Alcohol & Gambling Licensing Sub-Committee

Wednesday 31 October 2018

#### 1.0 Purpose of Report

- 1.1 To consider a request from a relevant person for the Review of the Premises Licence for The Turkish Social Club, 4 Henry Street, Northampton NN1 4JE.

#### 2.0 Summary

- 2.1 The review application was received on the 11 September 2018 from the relevant person, Charlotte Ryan, and submitted in accordance with licensing objective(s) for;

- The Prevention of Public Nuisance.

#### (Appendix A)

- 2.2 The current licence holder is Cahit Menekse 6 Hilberry Rise, Northampton, NN3 5ER. The premises licence is recorded as PL1035 **(Appendix B)**

#### 3.0 Consultations/Representations

- 3.1 When a request for the review of a premises licence or club premises certificate is received, the licensing authority must display a notice at or near the premises, and on the council's website. This gives responsible authorities and any other interested parties a 28 day period for the opportunity to make representations in relation to the review application. It is the responsibility of the applicant to serve a copy of the review application onto the licence holder and the responsible authorities.

- 3.2 The local authority displayed the obligatory notice on the 12 September 2018 **(Appendix C)**

- 3.3 During the 28 day period no representations have been received.

#### 4.0 Attendance

- 4.1 The local authority is required to request confirmation of attendance from all interested parties. The following have confirmed attendance at today's hearing;

John Birch Agent on behalf of Cahit Menekse

Charlotte Ryan Relevant person requesting the Review

## **5.0 Premises Licence Details**

5.1 Licence Number: PL1035

**The current Licence Holder of the premises is:**

Cahit Menekse

**The current Designated Premises Supervisor is:**

Cahit Menekse

Personal licence number: PA2390

Issued by Northampton Borough Council

**The premises is licensed for the following activities and times:**

**On Sales of Alcohol:**

Monday – Sunday 10:00am – 02:00am

Non Standard Timings:

New Year's Eve until 03:30am on 1 January

**Late Night refreshment**

Monday – Sunday 11:00pm - 02:00am

Non Standard Timings:

New Year's Eve until 03:00am on 1 January

**Opening Hours:**

Monday – Sunday 10:00am – 02:00am

Non-standard timings:

New Year's Eve until 03:30am on 1 January

## **6.0 History of Premises & Licence Holder**

6.1 The Turkish Social Club was originally granted a licence by this authority on 8 April 2014 under Premises Licence no. PL1035. A variation of the Premises licence was applied for on 3 July 2018 and subsequently granted on 11 September 2018 following a hearing at Licensing Committee on 15 August 2018. This variation allows the use of additional areas of the premises for licensable activities along with a smoking area to the rear of the premises. At the time the variation was granted the Licensing Sub-committee added the following conditions:

- (a) The smoking area shall not be used after 11.00 p.m. on any day.
- (b) All doors and windows at the rear of the premises shall be kept closed after 11.00 p.m. from Monday to Saturday and after 10.00 p.m. on

Sundays and Bank Holidays other than when it is necessary to allow access and egress of people to and from the premises. Doors must be closed immediately afterwards.

Signs shall be placed in the premises to advise customers to consider neighbouring occupiers and not to cause noise nuisance whilst in the smoking area. The Applicant may wish to display signs in both English and Turkish. Staff shall also monitor the smoking area.6.2 The Premises Licence holder Cahit Menekse was granted a Personal Licence by this authority on 28 January 2014 under licence number PA2390.

6.3. A location plan of the premises is attached (**Appendix D**). A plan showing the layout of the premises is attached (**Appendix E**).

## **7.0 Options**

7.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

The steps the Sub-Committee can take are to:

- a. modify the conditions of the licence;
- b. exclude a licensable activity from the licence;
- c. suspend the licence for a period not exceeding 3 months;
- d. remove the designated premises supervisor; and / or,
- e. revoke the licence.

If the Sub-committee decide to take either or both of steps a. or b. it may decide that those steps have effect for a specified period of up to 3 months.

## **8.0 Policy Considerations**

8.1 Northampton Borough Council Statement of Licensing Policy

8.2 s.182 Guidance Licensing Act 2003

Section 11 & 13 gives guidance for determination of this application.

Subsections 11.16 to 11.28 highlights the elements of the Guidance that are most relevant with respect to this application. This is not exhaustive and

guidance should be considered fully prior to making decisions with respect to applications.

### 9.0 Committee

Each application must be considered on its own merits and any conditions attached to a licence must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case. Any action taken in relation to this review should be appropriate for the promotion of the licensing objectives and proportionate to the issues raised.

<b>Appendix No</b>	<b>Title</b>
<b>A</b>	<b>Application</b>
<b>B</b>	<b>Premises Licence PL1035</b>
<b>C</b>	<b>Blue Notice 12/9/2018</b>
<b>D</b>	<b>Location plan</b>
<b>E</b>	<b>Plan showing layout of premises</b>
<b>Report Author</b>	Ian Ellis Senior Licensing Enforcement Officer

# Appendix A

*Northampton Borough Council , The Guildhall, St Giles Square, Northampton, NN1 1DE*

## Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

### 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.

**I Charlotte Ryan & Mark Atkinson apply for the review of the premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.**

#### Part 1 – Premises or club premises details

<b>Postal address of premises</b> Turkish Social Club 4 Henry Street	
<b>Post town</b> Northampton	<b>Post code</b> NN1 4JE

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Cahit Menekse
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<b>Number of premises licence or club premises certificate (if known)</b> PL1035
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#### Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

<b>Surname</b> [REDACTED]	<b>First names</b> [REDACTED]
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I am 18 years old or over  Please tick ✓ yes

**Current postal address if different from premises address**  
[REDACTED]

<b>Post town</b> Northampton	<b>Post Code</b> NN1 4JE
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**Daytime contact telephone number**  
[REDACTED]

**E-mail address (optional)**  
[REDACTED]

**(B) DETAILS OF OTHER APPLICANT**

<b>Name and address</b> [REDACTED] Northampton [REDACTED]
<b>Telephone number (if any)</b> [REDACTED]
<b>E-mail address (optional)</b> [REDACTED]

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

- 
- 
- 
-

**Please state the ground(s) for review** (please read guidance note 2)

We live [REDACTED] which is a block of terraced houses.

The Turkish Social Club have been granted a variation to their current licence and are awaiting the planning decision for a ground floor extension.

We are asking for a review of the licence in line with the licensing objective “the prevention of public nuisance” for the following reasons;

- Noise
- Opening Time of the Premises
- Smoking
- Security
- Litter
- Lighting
- Parking
- The premises being classed as a “business unit”



**Please provide as much information as possible to support the application (please read guidance note 3)**

#### **Noise**

Our biggest concern is the noise levels. On quite a number of occasions we have posted polite notices through the door to ask them to keep the noise down which they have blatantly ignored. They are not respectful to their neighbours when they are banging doors, shouting and generally just being a nuisance especially late at night. As we are a terraced property [REDACTED]

[REDACTED] We both work 9-5 jobs and as you can imagine trying to get to sleep with the noise they are making is very difficult and affects our day to day lives. The new plans also show the new extension if granted will have a smoking area to the back of the premises, as a couple we are trying to start a family and we are concerned that the noise will also affect the rooms at the back of the premises.

#### **Opening Times of the Premises**

Another concern we would like to raise are the opening times of the premises, currently they are allowed to stay open until 2.00am which as I have stated in the previous paragraph is causing us a problem with noise. We would like to point out that in the Licence Variation hearing Councillor Graham Walker raised concerns that the current licence allowed the sale of alcohol until 2am. Mr Birch (Licence Holders Solicitor) responded "While we could stay open until 2am, I don't see this happening. We have to be sensible with our neighbours. In reality this club sells more Turkish tea than it does beer. It's a gathering place and the sale of alcohol is minimal and it's not a loud night premises". If this is the case and they don't hardly stay open until 2am and more Turkish tea is sold than alcohol then what is the need for the license and the need to have a license until that time? I would also like to point out that the premises is loud at night which I have stated in my previous paragraph.

#### **Smoking**

Smoking is also another big concern that we have. In the Licence Variation Hearing the License holder's solicitor stated "We are moving the smoking area quite a long way from Henry Street". On the new plans we have seen the extension [REDACTED] so would like some clarification on where exactly the new smoking area will be as we cannot see it will go anywhere else other than [REDACTED]. We are concerned that we are not going to be able to have our windows open at the back of the premises because of the odour of smoke. We are not smokers ourselves and find smoking and the smell of it quite disgusting. This is also a potential health hazard for a baby if the windows are open. Why should we have to keep our windows closed? One of the conditions of the Variation to the License was that the smoking area will be closed off after 11.00pm on any day, we are concerned that when this happens customers will go back to smoking outside of our property which they currently do which as you can imagine in the summer is not nice to have smoke coming through our windows. When we have politely asked people to move they have ignored us.

#### **Litter**

On a weekly basis we have to sweep outside our house because people have littered outside our window and I have watched them first hand go back into the Turkish Social Club, our bin day is a Monday and there is always rubbish outside the property before this, as you can imagine in the summer especially, it is not nice, we cannot have our Living Room window open because of the odour of rubbish. We have also had a big problem with rats which was reported and dealt with at the back end of last year, however we have had a few sightings of them since which have also been reported to Environmental Health, we feel the litter has to be dealt with and maintained so this problem does not get out of hand again and right now we cannot see any improvements.

#### **Security**

Directly next to our wall there is an old stairwell which if you walk up it you can hop over and you are onto our flat roof. We feel this must be removed so it reduces the risk of people getting into our garden.

#### **Lighting**

We feel lighting could become an issue to the back of the property. When people are out in the smoking area late at night we do not want lights blaring into the back of our property as we feel this will disrupt us.

**Parking**

Parking is another issue, as I am sure you are fully aware we live on a terraced street where parking is limited anyway. There has been quite a few occasions where we have had to park on other streets because there are no spaces on Henry Street, with this License Variation being granted we feel this problem will just get worse. It was noted in the Licence Variation Hearing that the Applicant offered to provide car parking spaces at the side of the premises, again we would like clarification on this.

**Premises being Classed as a Business Unit**

When we moved in 2 years ago, we were advised that next door was a "Business unit", whilst we are fully aware there is no legal obligation for signs to be displayed on the exterior of a licensed premises we feel that a Social Club (Licenced Premises) which is situated in a residential street should be differentiated between say a shop, if this had been made clear we may not have brought the property, we do however feel that this will now affect us when we are eventually ready to move.



yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

11/09/18  
.....

Capacity

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**


**Notes for Guidance**

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

## Appendix B

# Licensing Act 2003 Premises Licence

# PL1035

LOCAL AUTHORITY	
 NORTHAMPTON BOROUGH COUNCIL	Licensing Section The Guildhall St Giles Square NORTHAMPTON NN1 1DE

### Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION			
<b>The Turkish Social Club</b> 4 Henry Street, Northampton, NN1 4JE.			
WHERE THE LICENCE IS TIME LIMITED THE DATES			
Not applicable			
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE			
- provision of late night refreshment - the sale by retail of alcohol			
THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Monday-Sunday Non Standard Timings: New Years Eve until 0300 on Jan 1st	11:00pm	2:00am
M. The sale by retail of alcohol for consumption ON the premises only	Monday-Sunday Non Standard Timings: New Years Eve until 0300 Jan 1st	10:00am	2:00am
THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
	Monday-Sunday Non Standard Timings: New Years Eve until 03:30 on 1st Jan	10:00am	2:00am
WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES			
- M. The sale by retail of alcohol for consumption ON the premises only			

### Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Cahit Menekse	[REDACTED]



Licensing Act 2003  
**Premises Licence**

**PL1035**

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Cahit MENEKSE

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2390

Issued by Northampton

**ANNEXES**

**ADDITIONAL MANDATORY CONDITIONS.**

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

**The following conditions shall come into force on 6th April 2010**

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in



ANNEXES continued ...

the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

**The following conditions shall come into force on 1st October 2010**

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**ANNEX 1 - MANDATORY CONDITIONS**

**Mandatory conditions where licence authorises supply of alcohol**

(1) No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal

ANNEXES continued ...

licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Conditions of Operating Schedule**

The Licence Holder will ensure the promotion of the licensing objectives forms an integral part of the day to day management of the premises

A CCTV system is in operation that complies to the Data Protection Act 1988. The CCTV system is recording at all times the premises is open for business. Recordings are kept for 28 days and a person who is trained in how to use the system is on duty to retrieve recordings upon reasonable request of an authorised officer.

Bottle skips will not be emptied outside between 2200 and 0700.

A working intruder alarm is in operation.

The Think 21 Age Verification protocol is in operation whereby anyone who appears not to be 18 years of age or older must produce ID in the form of a Photographic Driving Licence, Passport, HM Forces ID Card or an ID Card incorporating the PASS hologram

A refusals record is kept up to date and will be produced upon request of an authorised officer

**LICENSING SUB COMMITTEE 15 AUG 2018**

The smoking area shall not be used after 11.00 p.m. on any day.

All doors and windows at the rear of the premises shall be kept closed after 11.00 p.m. from Monday to Saturday and after 10.00 p.m. on Sundays and Bank Holidays other than when it is necessary to allow access and egress of people to and from the premises. Doors must be closed immediately afterwards.

Signs shall be placed in the premises to advise customers to consider neighbouring occupiers and not to cause noise nuisance whilst in the smoking area. The Applicant may wish to display signs in both English and Turkish. Staff shall also monitor the smoking area.



Solicitor to the Council







Licensing Act 2003

# Premises Licence Summary

# PL1035

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Cahit MENEKSE

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



## Appendix C

### **NORTHAMPTON BOROUGH COUNCIL LICENSING ACT 2003 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**

A relevant person has applied for the REVIEW of a Premises Licence under Section 51 of the Licensing Act 2003 in respect of The Turkish Social Club, 4 Henry Street, Northampton NN1 4JE

The grounds for the review are to secure the Licensing Objectives of the Prevention of Public Nuisance due to incidents at the premises.

Any interested party or responsible authority wishing to make representation must do so in writing to the following address by 9 October 2018.

The Licensing Department  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

A copy of the application for the Review of the above Licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Friday 9am to 5pm, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine (£5,000) on the standard scale.

THIS NOTICE DATED: 12 September 2018

## Appendix D



