

*Please reply to:*

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Date: 6 March 2020

## **Notice of meeting**

### **Licensing Sub-Committee**

**Date:** Monday, 16 March 2020

**Time:** 10.00 am

**Place:** Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

#### **To the members of the Licensing Sub-Committee**

Councillors:

R.W. Sider BEM (Chairman)

C.L. Barratt

R. Chandler

**Note:** In the event of one of the aforementioned Licensing Committee Members being unable to attend or serve on this Sub-Committee another Member of the Licensing Committee will be called to serve in their place.

*Councillors are reminded that the Gifts and Hospitality Declaration book will be available in the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

[www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) [customer.services@spelthorne.gov.uk](mailto:customer.services@spelthorne.gov.uk) Telephone 01784 451499

## **AGENDA**

**Page nos.**

**1. Disclosures of Interest**

To receive any disclosures of interest from members in accordance with the Members' Code of Conduct.

**2. To consider an application for a Premises Licence at Fora, 13-15 High Street, Staines upon Thames, in the light of representations**

**3 - 232**

The Report of the Deputy Chief Executive is attached.

A procedure note which explains what happens at a Licensing Sub-Committee, follows.

## Licensing Act 2003

### Hearing procedure for Licensing Sub-Committee – premises licence applications

	<b>Introductions</b>
1.	The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed.
2.	The Applicant or their representative will introduce themselves to the Sub-Committee.
3.	Any Responsible Authorities and/or Other Persons will introduce themselves to the Sub-Committee.
	<b>Summary of Application and Representations</b>
4.	The Council's Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda.
5.	The Applicant or their representative may ask the Licensing Manager <b>QUESTIONS</b> arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later).
6.	The Responsible Authorities may ask relevant questions of the Council's Licensing Manager.
7.	Any Other Persons may ask relevant questions of the Council's Licensing Manager.
8.	The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager.
9.	The Council's Licensing Manager may respond to any new issues raised.
	<b>The Applicant's Case</b>
10.	The Applicant or their representative will present their case.*
11.	The Responsible Authorities may ask relevant questions of the Applicant or their representative.
12.	Any Other Persons may ask relevant questions of the Applicant or their representative.

13.	The members of the Sub-Committee may ask relevant questions of the Applicant or their representative.
14.	The Applicant may respond to any new issues raised.
	<b>The Responsible Authorities case</b>
15.	The Responsible Authorities will present their case, in turn.*
16.	The Applicant or their representative may ask relevant questions of the Responsible Authorities.
17.	Any Other Persons may ask relevant questions of the Responsible Authorities.
18.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
19.	The Responsible Authorities may respond to any new issues raised.
	<b>The Other Persons Case</b>
20.	Any Other Persons will present their case, in turn.*
21.	The Applicant or their representative may ask relevant questions of the Other Persons.
22.	The Responsible Authorities may ask relevant questions of the Other Persons.
23.	The members of the Sub-Committee may ask relevant questions of the Other Persons.
24.	The Other Persons may respond to any new issues raised.
	<b>Summing Up</b>
25.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
26.	The Chairman will invite the Other Persons to briefly summarise their case if they so wish.
27.	The Chairman will invite Responsible Authorities to briefly summarise their case if they so wish.
28.	The Chairman will invite the Applicant or their representative to briefly summarise their case if they so wish.
29.	The Chairman will then ask all parties if they are satisfied they have said all they wish to.



	<b>Decision</b>
<b>30.</b>	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
<b>31.</b>	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with (summary or full) reasons for the decision.
<b>32.</b>	Meeting closed.
<b>33.</b>	The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps.

### **GUIDANCE NOTES**

\*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Applicant questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 10. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.



# Licensing Sub-Committee Meeting

16/03/2020



<b>Subject</b>	Application for a new Premises Licence at Fora Restaurant, 13-15 High Street, Staines, TW18 4QY.		
<b>Purpose</b>	For determination		
<b>Report of</b>	Deputy Chief Executive	Ward	Staines
<b>Contact</b>	Paul Morey, Licensing Enforcement Officer, (01784) 446450		

<b>Description and Location</b>	<p>Fora Restaurant is a Turkish restaurant, part of a chain of restaurants, located on the High Street in Staines, serving food and alcohol until 11pm.</p> <p>See plan attached at <b>Appendix A</b></p>
<b>The Application</b>	<p>The application is for a new Premises Licence to carry on a business which involves the use of the premises for licensable activities, namely, the sale of alcohol from 11am to 11pm.</p> <p>The application also proposes amendments to the operating schedule and further conditions following a previous unsuccessful application.</p> <p>The application form and revised operating schedule are attached at <b>Appendix B</b>.</p>
<b>Applicant</b>	Sadettin Guler
<b>Agent</b>	Benchmark Licensing
<b>Representations</b>	Relevant representations have been received from 1 relevant authority attached at <b>Appendix C</b> .
<b>Options</b>	<ol style="list-style-type: none"><li>1. The Sub-Committee is requested to consider the application for the grant of a new Premises Licence on its merits.</li></ol>

	<p>2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> <li>▪ <b>To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or</b></li> <li>▪ <b>To grant the application and modify the conditions of the licence, by alteration, addition or omission or</b></li> <li>▪ <b>To reject the whole or part of the application.</b></li> </ul>
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## **1. Background**

- 1.1 On 19 October 2019, an application for a new Premises Licence was submitted by Mr Halit Ertas, an agent from North Point UK, on behalf of Fora (**Appendix D**). The application outlined the proposed licence holder and Designated Premises Supervisor (DPS) as Mr Gurhan Cetin.
- 1.2 The Licensing Department at Spelthorne Borough Council received no valid objections to the application.
- 1.3 On 2 January 2020, the Licensing Department spoke with Mr Ertas to confirm that the Premises Licence was to be granted and no representations had been received. An email was also sent to Mr Ertas on 3 January 2020 from the Licensing Department to advise that the Department had taken steps to issue the Premises Licence however there would be a delay in granting the Licence due to IT issues and staff availability (**Appendix E**). The email also included a request for Mr Ertas to provide the Licensing Department with a copy of the newspaper article advertising Fora's application, as required under s17(5) of the Licensing Act 2003.
- 1.4 On 14 January 2020, the Licensing Department were informed by Mr Ertas that the application had not been advertised as required as the applicant for Fora had not paid for the advertisement. The Licensing Department advised Mr Ertas that licensable activities must cease with immediate effect (**Appendix F**).
- 1.5 On 14 January 2020 the Licensing Department also spoke with Mr Cetin by telephone to advise that the Fora Premises Licence application was void as the statutory requirement to advertise had not been complied with. Mr Cetin was advised to submit a new Premises Licence application form and make a further payment. Mr Cetin was strongly advised to remove all alcohol from display and not to sell alcohol until a subsequent application was approved. Mr Cetin was also informed by the Department that a representation would be submitted by a Licensing Officer representing the Department.
- 1.6 Following discovery of Fora's non-compliance with advertising requirements, Officers of the Licensing Department met with Mr Sadettin Guler (Director of Fora), Mr Gurhan Cetin and Mr Soner Mulougim (previous manager at the Fora) on 15 January 2020. During the meeting, Mr Guler informed the Licensing Officer that he had thought the advert had been circulated as he had paid the agent on 24 October 2019 to put the advert out (**Appendix G**). The Officers advised that a new Premises Licence application would need to be submitted for Fora and suggested that a licensing solicitor assist with their application. The Licensing Officers noted various bottles of alcohol behind the counter and bar of the restaurant. The Officers also advised that customers who had bookings should be informed that the restaurant does not yet have a Premises Licence to sell alcohol. The Officers were informed by Mr Guler, Mr Cetin and Mr Mulougim that no alcohol had been served at the restaurant

since 31 December 2019. The meeting had been documented in a logbook of the Officers (**Appendix H**).

- 1.7 On 16 January 2020, the Licensing Department were notified by Surrey Police that a Designing Out Crime Officer was sold a bottle of Prosecco at Fora Restaurant during a visit off duty on 15 January 2020. A witness statement has been provided at **Appendix I**.
- 1.8 On 17 January 2020, letters were sent by Licensing Officer, Lucy Catlyn, to Gurham Cetin and Sadettin Guler outlining the sequent of events which have led to the Licensing Department taking action to issue a representation against an application for a Premises Licence by Fora Restaurant (**Appendix J**).
- 1.9 On 20 January 2020, Licensing Officers visited Fora Restaurant and met with Mr Mulougim. The Licensing Officers noted alcohol bottles in the fridge and behind the bar of the restaurant. Mr Mulougim explained that he had made a mistake on Thursday 16 January by giving 6 glasses of wine to customers without charge and also provided free wine to customers on Friday 17 January. The Licensing Officers advised Mr Mulougim that alcohol could not be displayed at the Restaurant (**Appendix K**).
- 1.10 On 21 January 2020, a new application for a Premises Licence for Fora Restaurant was submitted by agent, Reba Danson, of Benchmark Licensing along with a revised operating schedule (**Appendix B**).
- 1.11 On 27 January 2020, Licensing Officers visited the Fora Restaurant to view CCTV footage for the evening of 15 January 2020. The footage demonstrated Mr Mulougim serving alcohol to customers.
- 1.12 On 31 January 2020, Licensing Officers visited the Fora Restaurant and met with interim manager, Marcos Sebastian. The Officers took a copy of the CCTV for 15 January 2020 and till receipts for 15 January 2020 which detailed the sale of alcohol (**Appendix L**).
- 1.13 On 18 February 2020, a representation was submitted by the Licensing Authority at Spelthorne Borough Council, outlining the objections to granting a Premises Licence to Fora Restaurant (**Appendix C**).
- 1.14 On 19 February 2020, Ms Reba Danson challenged the validity and relevance of the representation in light of the Licensing Act 2003 (**Appendix M**).
- 1.15 Ms Danson's email of 19 February was reviewed by the Head of Governance at Spelthorne Borough Council who confirmed that the Licensing Authority is under a statutory obligation to promote and uphold the licensing objectives and concluded that the representation was valid (**Appendix N**).

## **2. Application Summary**

- 2.1 The application seeks to apply for a Premises Licence to carry out licensable activities, namely, the sale of alcohol.

- 2.3 The required notices have been displayed and published in the Surrey Advertiser on 31 January 2020 (**Appendix O**).

### **3. Representations**

#### **3.1 i) Representations from Responsible Authorities (RA's)**

There has been one relevant representation received from an RA

- 3.2 The grounds for objection are summarised below in relation to each Licensing Objective.

#### **Prevention of crime and disorder**

The representation by the RA outlines concerns over the ability of the proposed DPS and restaurant owner, Mr Sadettin Guler, to uphold the licensing objectives in taking steps to prevent crime and disorder. Mr Guler has not cooperated with the Licensing Department which has led to unlawful activities taking place at the Fora Restaurant. Under section 136 of the Licensing Act 2003, it is a criminal offence to carry out licensable activities without authorisation.

The representation makes reference to chapter 2.5 of section 182 guidance outlining that it is the employer's responsibility to ensure managers are competent and well trained. Mr Guler, acting as director of Fora, failed to comply with advertising requirements under s17(5) of the Licensing Act 2003 and further failed to oversee and train staff, leading to the unlawful sale of alcohol by Mr Soner Mulougim (previous manager at the Fora) after clear instructions provided by the Licensing Officers.

Under the section 182 guidance, it will normally be the responsibility of the Premises Licence holder as an employer, not the licensing authority to ensure managers appointed at the premises are competent and appropriately trained. As the DPS is the key individual responsible for day to day management of premises by the Premises Licence holder, it is important that the individual appointed is capable of taking appropriate steps to promote the licensing objectives.

Although a revised operating schedule has been provided by the new agent for the applicant, the previous operating schedule outlined in section 18 of the Premises Licence application dated 19 October 2019 failed to be complied with and therefore there is uncertainty in relation to future compliance of the objectives outlined.

As the proposed DPS and restaurant owner has undermined the licensing objective to prevent crime and disorder, a representation has been submitted to determine the application for a new Premises Licence

It is important to note that under the Licensing Act 2003, each responsible authority has equal standing and may act independently without waiting for representations from any other responsible authority.

Issues which are not relevant to the licensing objectives and cannot be taken into account by a Licensing Sub-Committee:

- Objections on the basis of need, or lack of need, for premises to sell alcohol

#### **4. Licensing Policy**

4.1 The following sections of the Council's Licensing Policy are relevant;

- 3.0 LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES
- 9.0 ADMINISTRATION AND DECISION MAKING
- 25.0 CRIME & DISORDER

#### **5. National Guidance**

5.1 The relevant section (chapter 9) of the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 on determining Premises Licence applications is relevant in the consideration of this application.

#### **6. Making a decision**

6.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.

6.2 The Sub-Committee must give reasons for its decision.

6.3 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

6.4 Conditions on licences must:

- be precise and enforceable;
- not be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

6.5 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.

#### **Appendices:**

Appendix A – site plan

Appendix B – application form and revised operating schedule dated 21.01.10

Appendix C – representation from Licensing Authority 18.02.20

Appendix D – application form dated 19.10.19



Appendix E – email from Licensing Officer, Lucy Catlyn, to North Point UK regarding the Premises Licence dated 03.01.20

Appendix F – email correspondence between Licensing Officer and Mr Halit Ertas regarding advertising of Fora Restaurant

Appendix G – email from Sadettin Guler with screenshot of payment for advertisement

Appendix H – logbook of Licensing Officer, Lucy Catlyn, outlining meeting on 15.01.20

Appendix I – witness statement of Victor Norman Smith

Appendix J – letters from Licensing Officer to Sadettin Guler and Gurhan Cetin dated 17.01.20

Appendix K – logbook of Licensing Officer, Lucy Catlyn, outlining meeting on 20.01.20

Appendix L – copies of receipts of alcohol sold at Fora Restaurant on 15 January 2020

Appendix M – email from Reba Danson to Senior Environmental Health Officer, Tracey Wilmott-French, challenging the representation on 19.02.20

Appendix N – email from Licensing Officer, Lucy Catlyn, to Reba Danson dated 28.02.20

Appendix O – confirmation of advertisement of Fora Restaurant

Appendix P – chapters 1-3 and chapter 9 of the Revised Guidance issued under section 182 of the Licensing Act 2003 dated April 2018

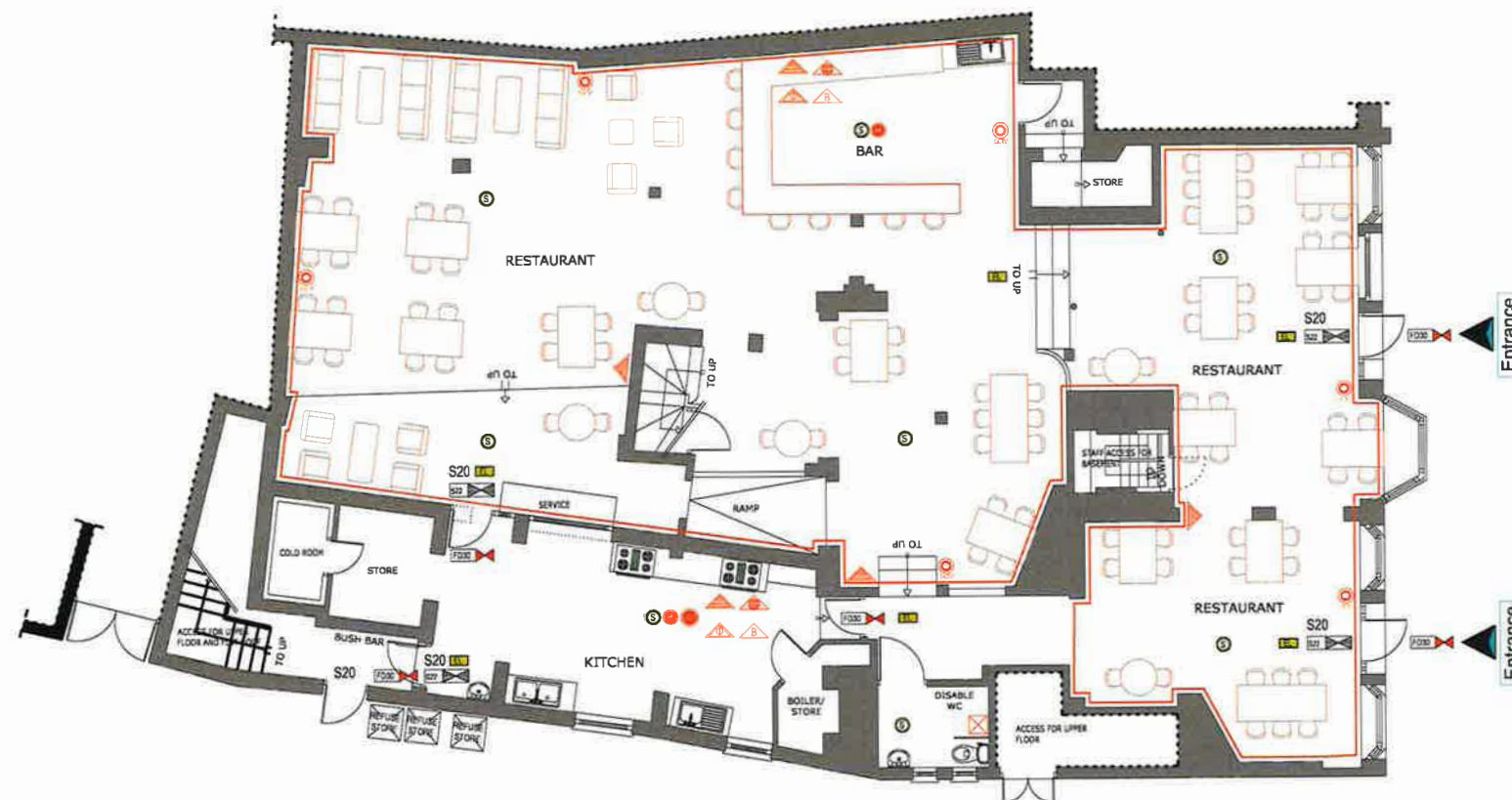
Appendix Q – sections 1-4, 13, 17, 136 and 182 of Licensing Act 2003

Appendix R – chapters 3, 4, 9 and 25 of the Spelthorne Borough Council Statement of Licensing Policy 2019 - 2024

Appendix S – chapter 6 of the Alcohol licensing: using case law guidance, East Lindsey District Council v Abu Hanif

Appendix T – Webpage of Spelthorne Borough Council regarding Premises Licences

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PROPOSED GROUND FLOOR PLAN  
SCALE: 1/100

0 5m

EXISTING GROUND FLOOR AREA: 282.69 m<sup>2</sup>  
EXISTING FIRST FLOOR AREA: 33.06 m<sup>2</sup>  
EXISTING TOTAL FLOOR AREA: 315.75 m<sup>2</sup>

## LEGEND:

- EXISTING WALLS
- DEMOLISHED WALLS
- PROPOSED PARTITION WALLS

Licensing Area highlighted in red

CCTV

FD30 30 Minutes Fire Door

S20 FIRE ESCAPE KEEP CLEAR  
INTERNALLY ILLUMINATED  
FIRE ESCAPE SIGN (BS 5266)

- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- 9 LT. FOAM FIRE EXTINGUISHER
- FIRE BLANKET
- Carbon Monoxide Detector
- Heat Detector
- Smoke Detector
- Emergency Light
- FLASHING LIGHTS( FOR DISABLE WC)

NOTES: THIS DRAWINGS AND WORKS SHOWN ARE THE COPYRIGHT OF NORTHPOINT PLANNING AND LICENSING SERVICES AND MAY NOT BE REPRODUCED EXCEPT WRITTEN PERMISSION. ALL FIGURED DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.

All dimensions must be checked on site. The contractor shall be responsible for taking all necessary site dimensions and levels and for all exploratory works to verify any existing structure before commencement of works.

The contractor will be responsible for the correct setting out of the work on site. Any given dimension is for the contractor's guidance only and should be verified on site.

No liability of any kind is accepted by the engineer for any error or omission. Where new work is near/on boundary line/ party wall the property owner is to serve party wall notice to the adjoining property/land owner in accordance with the requirements of the 'party wall etc.' Act 1996.

All details to comply with current Building Regulations and Local Authority Approvals. Work not to commence before final approval of plans by L.A.

Drawings prepared from plans & information supplied by architect - no site survey carried out by engineer.

**NorthPoint**  
planning and licensing services™

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STAINES TW184QY

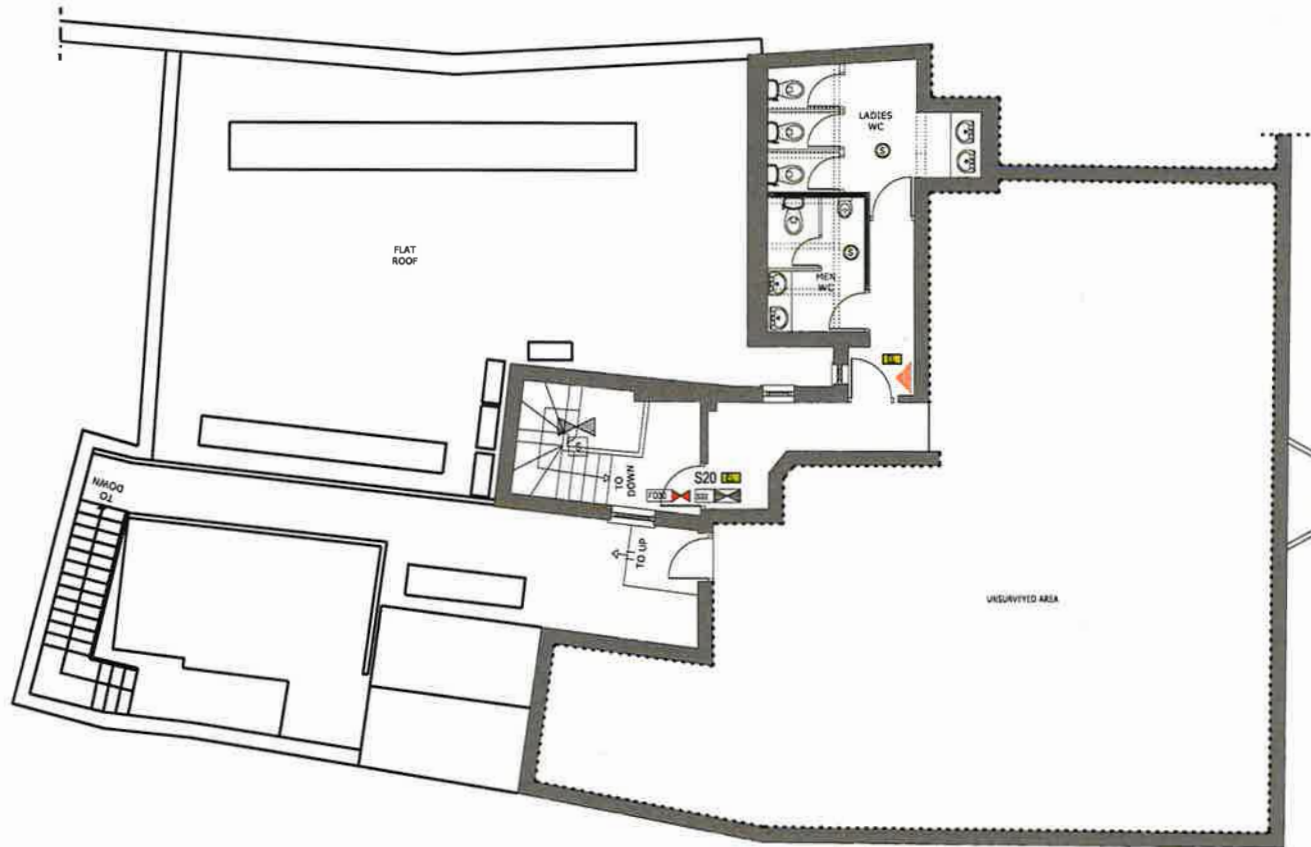
PROPOSAL / PROJECT:  
Alcohol Licence

DRAWING FOR:  
Building Control

DRAWING:  
Proposed Ground Floor Plan

Scale: 1:100 A3	Drawn: H.E	Checked:	Date: 31.07.2019
Drawing / JOB NO			Revision:

**HIST- 03 1.0**



PROPOSED FIRST FLOOR PLAN  
SCALE: 1/100

LEGEND:

- EXISTING WALLS
- DEMOLISHED WALLS
- PROPOSED PARTITION WALLS

Licensing Area highlighted in red

CCTV

30 Minutes Fire Door

FIRE ESCAPE KEEP CLEAR  
INTERNALLY ILLUMINATED  
FIRE ESCAPE SIGN (BS 5266)

- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
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All details to comply with current Building Regulations and Local Authority Approvals. Work not to commence before final approval of plans by L.A.

Drawings prepared from plans & information supplied by architect - no site survey carried out by engineer.



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Email: info@northpointuk.co.uk  
www.northpointuk.co.uk

SITE: 13-15 HIGH STREET  
STAINES TW184QY

PROPOSAL / PROJECT:  
Alcohol Licence

DRAWING FOR:  
Building Control

DRAWING:  
Proposed First Floor Plan

Scale:	Drawn:	Checked:	Date:
1:100 A3	H.E		31.07.2019
Drawing / JOB NO	Revision:		
HIST- 04	1.0		



**Spelthorne**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
 licensing@spelthorne.gov.uk  
 Telephone: 01784 444202

\* required information

**Form errors**

Some data entered into this form is invalid. Please resolve before continuing.

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

Sadettin

\* Family name

Guler

\* E-mail

Main telephone number

Include country code.

Other telephone number

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

12033879

Business name

Fora Trading Ltd

If the applicant's business is registered, use its registered name.

*Continued from previous page...*

VAT number   Put "none" if the applicant is not registered for VAT.

Legal status

Applicant's position in the business

Home country  The country where the applicant's headquarters are.

**Registered Address** Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ An agent that is a business or organisation, including a sole trader

☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Continued from previous page...

**Agent Address**

Address official correspondence should be sent to.

\* Building number or name   
\* Street   
District   
\* City or town   
County or administrative area   
\* Postcode   
\* Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Further Details**

Telephone number   
Non-domestic rateable value of premises (£)

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

**Confirm The Following**

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



Continued from previous page...

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Contact Details**

E-mail   
Telephone number   
Other telephone number

You must enter a date of birth

\* Date of birth  /  /   
dd mm yyyy

You must enter a nationality

\* Nationality  Documents that demonstrate entitlement to work in the UK

[Add another applicant](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Fora restaurant prides itself on providing a high class culinary experience, catering for the discerning palette and specialising in a fusion of cuisines originating in Central Asian, Middle Eastern, Mediterranean and the Balkans.

*Continued from previous page...*

It is no accident that the interior design is based on sophisticated and luxurious Ottoman traditions; Fora restaurants aims to become a 'destination venue', using its reputation for providing an exciting and vibrant dining experience to attract high class clientele and visitors locally and from outside the area.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

Continued from previous page...

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☐ Yes

☒ No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

☒ Yes

☐ No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Continued from previous page...

**SATURDAY**

Start 11:00

End 23:00

Start

End

**SUNDAY**

Start 11:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Not applicable

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Not applicable.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Gurhan

Family name

Cetin

Date of birth

13 / 09 / 1982  
dd mm yyyy

Continued from previous page...

**Enter the contact's address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text" value="063548"/>
Issuing licensing authority (if known)	<input type="text" value="London Borough of Redbridge"/>

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Not applicable

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

**TUESDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**WEDNESDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**THURSDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**FRIDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**SATURDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**SUNDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Not applicable.

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

**Continued from previous page...**

List here steps you will take to promote all four licensing objectives together.

#### **Staff Training**

All staff (paid or unpaid) shall be trained in respect of their responsibilities under the Licensing Act 2003, specifically including:

- The sale of alcohol
- Acceptable forms of ID
- Challenge 25
- The procedure on handling and recording refusals

Written staff training records must be kept to document that all staff have had training. All staff must receive refresher training on all of these aspects every six months. Training documentation to be made available to Responsible Authorities on request.

#### **Refusal Log**

A refusal log shall be kept at the premises detailing all refused sales of alcohol, and the reason for the refusal i.e. intoxication, false ID, no ID, underage. The log shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall remain on the premises at all times and be made available available for inspection on request by an authorised officer.

#### **Incident Log**

An incident register must be kept to record all incidents of disorder. The Designated Premises Supervisor must sign off each entry. The incident register must remain on the premises at all times and records kept for a minimum of one year and must detail the following;

- Time and date
- nature of incident
- name of staff members involved
- name of any offender (if known)
- action taken as a result of the incident
- CAD reference number where police called.

#### **Sale of Alcohol**

The sale of alcohol for consumption on the premises shall only be made to customers purchasing a table meal, or waiting for a table in the bar area, for consumption by such a person as ancillary to their meal.

The sale of alcohol for consumption off the premises may only be made to customers ordering food for delivery and must form part of the delivery order. The person accepting a delivery order including alcohol must advise the customer that ID may be required by the person receiving the order to prove they are over 18 years of age.

#### **b) The prevention of crime and disorder**

##### **Drug prevention**

As a high class establishment, a zero-tolerance policy will be implemented regarding the use of illegal drugs on the premises. For staff training will include drug awareness and the actions to take if a customer is suspected to have taken or be in possession of an illegal substance; this includes refusing entry and making an record in the refusal/incident book at the time.

Staff will be trained to be vigilant when conducting routine checks of toilet areas or any susceptible areas of the premises and ensure that any suspicious behaviour or items of suspected drug related paraphernalia found on the premises is reported to the Manager, who will make a record in the incident and ensure the items are properly disposed of.

##### **CCTV**

**Continued from previous page...**

A CCTV system must be installed and maintained with cameras situated to capture clear, evidential quality images of all public areas, including all entrance and exit areas. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be retained for 30 days and shall be provided to a Police or authorised officer upon reasonable request. All recordings will display the correct date and time of the recording.

There must be at least one member of staff able to operate the CCTV at all times, to ensure that in an emergency footage could be retrieved and displayed at the request of a Police Officer immediately.

c) Public safety

--

d) The prevention of public nuisance

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

e) The protection of children from harm

**Age Verification Policy**

The premises shall operate a Challenge 25 policy with regard to age related sales of alcohol. Challenge 25 signs will be displayed at the entrance and at the bar to notify members of the public of this policy. For the purpose of age verification, acceptable forms of ID will include passport, driving licence, a card bearing the PASS Home Office ID logo or any official Government issued ID card bearing the holders' photograph, name and date of birth.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



Continued from previous page...

Capacity 80000-89999 £56,000.00  
Capacity 90000 and over £64,000.00

\* Fee amount (£) 315.00

#### ATTACHMENTS

#### AUTHORITY POSTAL ADDRESS

##### Address

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

#### DECLARATION

I/we understand it is an offence, liable on conviction to a fine 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.

You must check the box for this declaration

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

VERA JANSSEN

\* Capacity

Agent - Private Individual

Date (dd/mm/yyyy)

21/01/2020

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/spelthorne/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

*Continued from previous page...*

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**Operating Schedule Proposed by Mr Sadettin Guler to accompany the premises licence application for 13-15 High Street, Staines, TW18 4QY**

**1. Personal Licence Holder**

A personal licence holder will be present at all times the premises is open to the public or licensable activities are being conducted. This includes private hire events.

**2. Age Verification Policy**

The premises will operate a Challenge 25 age verification policy with regard to age related sales of alcohol. A challenge 25 sign will be displayed at the entrance and at the bar to notify members of the public of this policy. For the purpose of age verification, acceptable forms of ID will include passport, driving licence, a card bearing the PASS Home Office ID logo or any official Government issued ID card bearing the holder's photograph, name and date of birth.

**3. Staff Training**

All staff (paid or unpaid) shall be trained in respect of their responsibilities under the Licensing Act 2003, specifically including:

- The sale of alcohol
- Acceptable forms of ID
- Challenge 25
- The procedure for handling and recording refusals.

Written staff training records must be kept to document that all staff have had training. All staff must receive refresher training on all these aspects every six months. Training documentation will be kept on the premises and made available to the responsible authorities on request.

**4. Sale of Alcohol**

The sale of alcohol for consumption on the premises shall only be made to customers purchasing a table meal, or waiting for a table in the bar area, for consumption by a person as ancillary to their meal.

The sale of alcohol for consumption off the premises may only be made to customers ordering food for delivery and must form part of the delivery order. The person accepting the delivery order including alcohol must advise the customer that ID may be required from the person receiving the order to prove they are over 18 years of age.

#### **5. Drug Prevention**

A zero-tolerance policy will be implemented regarding the use of illegal drugs on the premises. Staff training will include drug awareness and the actions to take if a customer is suspected to have taken or be in possession of an illegal substance; this includes refusing entry and making a record in the refusal/incident book at the time.

Staff will be trained to be vigilant when conducting routine checks of toilet areas or any susceptible areas of the premises and ensure that any suspicious behaviour or items of suspected drug-related paraphernalia found on the premises is reported to the Manager, who will make a record in the incident book and ensure the items are properly disposed of.

#### **6. Refusal Log**

A refusal log shall be kept at the premises detailing all refused sales of alcohol and the reason for the refusal – i.e. intoxication, false ID, no ID or underage. The log must include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall remain on the premises at all times and be made available for inspection by an authorised officer.

#### **7. Incident Log**

An incident register must be kept to record all incidents of disorder. The Designated Premises Supervisor must sign off each entry. The incident register must remain on the premises at all times and records must be kept for a minimum of one year. The register must detail the following in relation to each incident:

- Time and date
- Nature of incident
- Name of staff members involved
- Name of any offender (if known)
- Action taken as a result of the incident
- CAD reference where Police are called.

#### **8. CCTV**

A CCTV system must be installed and maintained with cameras situated to capture clear, evidential quality images of all public areas, including all entrance and exit areas. The CCTV system shall continually record while the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be retained for 30 days and shall be provided to a Police or authorised officer upon reasonable request. All recordings will display the correct time and date of recording.

There must be at least one member of staff able to operate the CCTV at all times, to ensure that in an emergency footage can be retrieved and displayed at the request of a Police Officer immediately.

**9. Prevention of noise nuisance**

Prominent, clear and legible notices will be displayed at the exit requesting that the patrons respect the needs of nearby residents and leave the premises and the area quietly.

**10. Prohibited Persons**

Mr Soner Mulayim is prohibited from being involved, in any capacity, within the business operated at 13-15 High Street, Staines, TW18 4QY.

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**Written representation from Licensing Authority 18.02.2020:**

Sadettin Guler director for Fora Trading Ltd has applied as a limited company for a premises licence at 13-15 High Street, Staines-Upon-Thames TW18 4QY. The application seeks a licence for the sale by retail of alcohol from 11.00am-23.00pm everyday Monday-Sunday (inclusive).

Fora's agent, Benchmark Licensing has advertised the application in The Surrey Advertiser on 31 January 2020. A notice check was conducted at the premises by the Licensing Team on 31 January 2020 and the required blue notice was on display.

The last date for representations is 19 February 2020. The Licensing Authority, Spelthorne Borough Council objects to the premises licence application for Fora.

Under Spelthorne Borough Council Statement of Licensing Policy 2019-2024 point "3.0 - section 4 of the Licensing Act requires the Licensing Authority to carry out its licensing functions with a view to promoting the Licensing Objectives, which are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Decision making will be based on promoting these licensing objectives. Decision makers will also have regard to this policy document and any guidance issued from time to time by the Secretary of State."

The Licensing Department objects on the grounds of the 'prevention of crime and disorder'.

**Previous application:**

Fora previously applied for a premises licence on 19 October 2019. This application was submitted by an agent called Halit Ertas. The proposed licence holder and DPS was Gurhan Cetin. The last date for representations was 26 December 2019. The Licensing Department received no valid objections to the application.

The Licensing Department confirmed via telephone to the licensing agent for Fora that the licence was granted as no representations had been received. The Licensing Department emailed the agent on 3 January 2020 to advise that they had gone to issue the premises licence however, they were experiencing an ICT issue and would not be back in the office until 13 January 2020. However, in the meantime the newspaper advertisement where the application was advertised needed to be sent to us for our records. No reply was received from the agent and the Licensing Department chased the agent on 13 January 2020 via email and two whatsapp messages were sent to him.

We were advised by the agent on 14 January 2020 that the advert was not placed in the newspaper because apparently the client (Fora) had not paid for it. The Licensing Department advised that licensable activities must cease with immediate effect and I attach a copy of this email as **Annex A**.

The Licensing Department spoke to Gurhan Cetin on the telephone at 17.02pm on 14 January 2020 and advised that the licence application he made (form is dated 19.10.2019) was void because the statutory requirements to advertise in the local newspaper have not been complied with. He was advised he needs to submit a new application form and pay again. He was advised to remove all alcohol from display and that he was not allowed to sell alcohol. He was also advised that if they submit a new application then we would be submitting a representation.

**15.01.2020 Meeting:** Following the discovery of Fora not complying with the Licensing Act requirements to advertise the application The Licensing Department met with Sadettin Guler (Director of Fora), Gurhin Setina and Soner Mulougim (Manager of Staines Fora). The meeting was scheduled as the agent had not advertised the premises licence application submitted on 19 October 2019 in the newspaper, as required by licensing legislation. Sadettin said he was just as surprised as the Licensing Officer that there was that no newspaper advert circulating in the locality. Sadettin advised that they had paid the agent £443 on 24 October 2019. The Licensing Department advised that they needed to apply for a new premises licence and pay again and it was recommended that they get a licensing Solicitor. The Licensing Department noted that there were wine glasses on the table, wine in 2 of the fridges, spirits by the bar at the sink behind the counter and wine behind the counter. It was explained by the Licensing Officer that the alcohol needs to be removed and not on display. They were also advised to let people know who had bookings that they have no licence. The Licensing Officer was advised that no alcohol had been served since 31 December 2019.

We received information from Surrey Police on 16 January 2020 that someone had been sold a bottle of Prosecco at Fora on 15 January 2020. We were advised that they were served by a middle aged gentleman and there was no issue with them ordering a bottle of prosecco to drink along with a meal, which was supplied with glasses.

A letter was sent via email to Mr Guler on 17 January 2020 and the same letter was sent via post on 17 January 2020 to Gurhan Certin. A copy of these letters are attached as **Annex B**. I received acknowledgment via email from Mr Guler at 16.42 on 17 January that he received my email.

**20.01.2020-** The Licensing Department visited Fora Restaurant and Soner was at the premises. There was prosecco in the fridge behind the bar and a box of wine on the floor behind the bar. Mr Certin was at the premises and advised that the CCTV is working but no one at the premises knows how to use it. The Licensing Department arranged to come back at 1pm on Friday. Soner advised me that he made a mistake on Thursday and gave away 6 glasses of wine to a group booking and didn't charge. He said he also gave free wine to other customers on Friday. The Licensing Department advised that they cannot display alcohol.

**27.01.2020-** A visit was carried out by the Licensing Team to Fora on 27 January 2020. The manager, Soner was present. He told us that he is related to the owner. We checked the cabinets behind the serving counter. No trace of alcohol, only soft drinks. When we explained that we wanted to view the CCTV, Mr Mulayim told us he couldn't operate it. Another member of staff operated it for us.



We started viewing the footage for the evening of 15<sup>th</sup> January. (The time in CCTV is incorrect, so times stated are from the times seen on footage). Footage timed from 6.55 shows Soner behind the serving counter. He takes a bottle from one of the cabinets behind the serving counter. It has the size and dimensions of a wine bottle, and is dark coloured as if it contains red wine. He takes this bottle and 2 wine glasses over to 2 women who are seated at one of the tables in the public part of the restaurant. He turns so that his back is to the camera. We see his right hand and arm moving in a twisting movement that is consistent with using a corkscrew to open a bottle of wine. Once this is done, he turns to one of the women and pours a small amount from the bottle into a glass. She raises the glass to her lips and drinks. The actions are consistent with someone having an initial taste of wine before accepting more. Soner then pours more into her glass and into a glass for the other women. When we questioned about this, he admits to serving a bottle of wine to the women. He denies selling them the wine, and claims he gave it to them because they had been there 4 or 5 times since they opened.

Further viewing at 07.04 showing shows Soner behind the serving counter with what appears to be a bottle of champagne or other sparkling wine. This is served to a male and a female at another table in the restaurant. When asked about this, Soner admits to it being champagne, but claims that the man and woman brought the bottle with them to the restaurant. We checked more of the footage. There is no sign of either the woman or the man bringing a bottle into the restaurant, or giving it to Soner or the other waiter who was present.

Further into the footage, the other waiter is shown placing what looks like a metal wine cooler on the serving counter. It contains an empty bottle which looks like a wine bottle. Soner takes this bottle out and replaces it with a full looking wine bottle. The other waiter then carries that away from the counter.

We also examined the bills for meals served at the restaurant on 22.01.202, 23.01.2020, 21.01.2020, 25.01.2020 and 26.01.2020. The bills do not show alcohol being sold. However, the bills for 15<sup>th</sup> January were not available for us to view. A request was then made for a copy of the CCTV footage for 15<sup>th</sup> January, and a copy of customer's bills for that day.

**31.01.2020:** On 31 January 2020 the Licensing Authority visited Fora and met with Marcos Sebastian, the interim Manager. Marcos did not have his personal licence on him but said he had flown in from overseas. He advised that Soner was Sadettin's ex business partner. The Licensing Department took a copy of the CCTV for 15 January 2020 and till receipts and overall till receipt for 15 January 2020 which details sale of:

- 1 bottle of prosecco at £26.50
- 4 Efes Pilsen Draft at £21.00
- 1 Kavalidere White 250ml at £7.25

A copy of the till receipt for 15 January 2020, along with the alcohol menu is attached as **Annex C**.

**Reasons for Objection:**

Mr Guler supplied me with a business card when I met with him on 15 January 2020 which I attached as **Annex D** along with a business card supplied by Marcos Sebastian. Fora have two other restaurants one at 34-36 Houndsditch London, EC3A 7DB and 11 Circus Road, London NW8 6NX. Sadettin Guler has been director for Fora Trading Ltd since 5 June 2019. The business card states that Mr Guler is 'owner'. It is fair to say that Mr Guler is an experienced restaurant operator. Both of his London restaurants sell alcohol. Mr Guler holds a personal licence. In order to obtain a personal licence you must undertake a Licensing qualification and consequently he understands Licensing legislation and his requirements under the Licensing Act 2003.

The Licensing Department does not accept that there was any confusion on Fora's part that they had a licence to sell alcohol after they were informed on 14 January 2020. The Licensing Agent, Halit was told via telephone and email on 14 January 2020. It is normal practice when an applicant uses an agent that communication is done via the agent not the applicant directly. However Mr Cetin was told by telephone conversation on 14 January 2020 as well. A visit was made at the first possible opportunity on 15 January 2020 and the director Mr Guler was present.

The section 182 Licensing Act 2003 guidance states at "2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. **It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder.** A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety."

The Licensing Department appreciates that Soner is no longer connected with the premises and that this has been offered as a condition. However it is extremely concerning that Mr Guler who is the proposed DPS and Director of Fora was at the meeting on 15 January 2020 and was aware that alcohol was not allowed to be sold as there was no licence in place. However, alcohol was allowed to be sold by Mr Guler's manager just hours after the meeting. This demonstrates poor management competency which could give rise to issues of crime and disorder and public safety and disregard for the licensing regime. The Licensing Department is concerned that the prevention of crime and disorder licensing objective has not been adhered to and are concerned how it will in the future when Mr Guler is director of Fora.

In summary, Mr Guler is an experienced restaurant owner and licence holder and we are concerned that should a licence be granted to Fora it would undermine the Licensing Objectives.

Hi Halit

I understand from our conversation that you asked your client to pay for the newspaper advert and they unfortunately did not pay it

Therefore you have advised me that the newspaper advert was not advertised and this has only just come to your attention today.

We will visit the premises as licensable activities must cease with immediate effect.

Kind regards

**Lucy Catlyn**  
**Principal Licensing Officer**  
**Environmental Health and Licensing**

**From:** Catlyn, Lucy  
**Sent:** 14 January 2020 16:34  
**To:** 'info@northpointuk.co.uk'  
**Subject:** RE: Fora

Hi Halit

Unfortunately this does not state which newspaper and date it was published?

Thanks  
Lucy

**Lucy Catlyn**  
**Principal Licensing Officer**  
**Environmental Health and Licensing**

**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk) <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Sent:** 14 January 2020 15:59  
**To:** Catlyn, Lucy <[L.Catlyn@spelthorne.gov.uk](mailto:L.Catlyn@spelthorne.gov.uk)>  
**Subject:** RE: Fora

Hi Lucy,

Please see attached newspaper advert proof as requested.

Surrey Advertiser.

**Halit Ertas**  
Planning Consultant



**From:** Catlyn, Lucy <[L.Catlyn@spelthorne.gov.uk](mailto:L.Catlyn@spelthorne.gov.uk)>  
**Sent:** 13 January 2020 17:41  
**To:** 'Info@northpointuk.co.uk' <[Info@northpointuk.co.uk](mailto:Info@northpointuk.co.uk)>  
**Cc:** Sokhey, Sandeep <[S.Sokhey@spelthorne.gov.uk](mailto:S.Sokhey@spelthorne.gov.uk)>  
**Subject:** RE: Fora

Hi Halit

I don't appear to have heard from you in relation to the below

Please can you urgently advise where you advertised this application.

Thanks  
Lucy

**Lucy Catlyn**  
**Principal Licensing Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB  
Tel: 01784 444295

For information on how Spelthorne Borough Council handles your data, please read our privacy notices ([Licensing](#) / [Taxi Licensing](#)).

**From:** Catlyn, Lucy  
**Sent:** 03 January 2020 17:15  
**To:** 'Info@northpointuk.co.uk' <[Info@northpointuk.co.uk](mailto:Info@northpointuk.co.uk)>  
**Cc:** Sokhey, Sandeep <[S.Sokhey@spelthorne.gov.uk](mailto:S.Sokhey@spelthorne.gov.uk)>  
**Subject:** Fora

Good afternoon Halit

Apologies I have just gone to issue the premises licence however I am having an ICT issue, I have raised this internally however I won't be back in the office until 13.01.

In the meantime, please can you send me the newspaper article where you advertised the application – we require this to be sent by the applicant for our records.

Best wishes  
Lucy

**Lucy Catlyn**  
**Licensing Enforcement Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB  
Tel: 01784 444295

Mr Gurhan Cetin  
ADDRESS REDACTED

Contact: Lucy Catlyn  
Service: Environmental Health  
Direct line: 01784 444295  
Fax: 01784 446437  
E-mail: l.catlyn@spelthorne.gov.uk  
Our ref: Fora Restaurant

Date: 17 January 2020

Dear Sirs

**LICENSING ACT 2003**

**FORA RESTAURANT, 13-15 HIGH STREET, STAINES UPON THAMES, TW18 4QY**

I write further to the above premises and outline the timeline of events for ease of reference:

- The last day for representations is 26 December 2020.
- I advise Halit the agent from Northpoint via email on 3 January 2020 that I was going to issue the premises licence however I was having an ICT issue and would be back in the office on 13 January 2020. I asked him in the meantime to send me the newspaper article. I advised the licence was granted in good faith that they had advertised the application.
- On 13 January 2020 I chased Hallit via email at 17.41 as I had received no reply. I also sent him two whatsapp messages advising I need to speak to him and that I need the newspaper advert.
- I spoke to Trinity Newspaper Group on 14 January 2020 who advised me that an advert was cancelled and no advert has been made in their newspaper as far as they could tell.
- Halit advised me on 14 January 2020 that the newspaper advert was not submitted for your Premises Licence application because allegedly the client did not pay for it. Apparently this only came to his attention that day. Halit is advised on 14 January 2020 via telephone and email that licensable activities must cease with immediate effect.
- I speak to Gurhan Cetin on the telephone at 17.02 on 14 January 2020 and advise that the licence application he made (form is dated 19.10.2019) is void because the statutory requirements to advertise in the local newspaper have not been complied with. I advised he needs to submit a new application form and pay again. I advised him to remove all alcohol from display and that he is not allowed to sell alcohol. I also advised that if they submit a new application then we will be putting a representation in.
- I met on 15 January 2020 at the premises: Saaettin Guler (Director for Fora), Gurhan Cetin and Soher Mulougim (Manager of Staines For a). Mr Guler advised he is just as surprised as I am that the newspaper advert was not put in the newspaper and he states he paid Hallit £443 on 24 October 2019. I advised he needs to apply for a new licence and pay again. It is apparent that there is miscommunication between Fora and Halit and I recommend they put in writing what has gone wrong with them not putting the application in the newspaper.

- I noted at the above meeting there was wine glasses on the tables and alcohol in the two fridges behind the bar, spirits in the bar by the sink and more bottles of alcohol under the counter (these ones were out of sight for the customer). I explained that it needs to be removed from display. I advised them to let people know who have bookings that they have no licence.
- I was advised that they have not sold alcohol since 31 January 2019.
- On 16 January 2020 I explain to Halit on the phone that they need to apply for a new premises licence.

**So there is no confusion please take note of the below offences under the Licensing Act 2003 (both of which have unlimited fines):**

### **136 Unauthorised licensable activities**

#### **(1) A person commits an offence if—**

**(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**

**(b) he knowingly allows a licensable activity to be so carried on.**

(2) Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he—

- (a) performs in a play,
- (b) participates as a sportsman in an indoor sporting event,
- (c) boxes or wrestles in a boxing or wrestling entertainment,
- (d) performs live music,
- (e) plays recorded music,
- (f) performs dance, or
- (g) does something coming within paragraph 2(1)(h) of Schedule 1 (entertainment similar to music, dance, etc.).

(3) Subsection (2) is to be construed in accordance with Part 3 of Schedule 1.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to **[F1a fine]**, or to both.

(5) In this Part “authorisation” means—

- (a) a premises licence,
- (b) a club premises certificate, or
- (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

### **137 Exposing alcohol for unauthorised sale**

(1)A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.

(2)For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

(3)A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to **[F2a fine]**, or to both.

(4)The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

You have now been formally told in writing as well as the above that you have no premises licence and therefore no licence to sell alcohol at Fora Restaurant Staines (address above). Should we find that alcohol is sold or exposed for sale then we may consider prosecuting you and will put a representation against any application you make for a premises licence at the above premises.

I trust this is clear but please contact me if you need clarification.

Yours faithfully

Lucy Catlyn  
Licensing Enforcement Officer

The Licensing Spelthorne Privacy Notice can be read at:  
<https://www.spelthorne.gov.uk/article/15990/Privacy-Notice---Licensing>

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Sadettin Guler

Contact: Lucy Catlyn  
Service: Environmental Health  
Direct line: 01784 444295  
Fax: 01784 446437  
E-mail: l.catlyn@spelthorne.gov.uk  
Our ref: Fora Restaurant

Date: 17 January 2020

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Lucy Catlyn  
Licensing Enforcement Officer

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# FORA RESTAURANT

Date: 15/01/2020

Table: 4

- 1 Prosecco.BTL	26.50
- 1 Hummus	5.20
- 1 Dolma	5.20
- 1 Chicken on Skewer	13.95
- 1 Lamb on Skewer	15.95
- 1 Americano	2.85

Total:

Credit Card

69.65  
69.6513-15 HIGH STREET  
STAINES, TW18 4QY  
TEL: 01784 463 978

THANK YOU

*Marcos*

Seen merchant copy of above  
£69.65 transaction, customer  
paid £76. Dated 15/01/20 at  
20:49 signed by Marcos  
Sebastian.

# FORA RESTAURANT

Date: 15/01/2020

Table: 7

- 1 Staines Menu	15.95
* Mixed Meze	
* Incik	
- 1 Mitite Kofte	5.95
- 1 Garlic King Prawns	6.95
- 1 Kalamar Starter	5.95
- 1 Lahmacun	5.50
- 1 Special Mixed Grill	17.95
- 1 Lamb on Skewer	15.95
- 1 Lamb Cutlets	15.95
- 1 Orange Juice	2.45
- 1 Kavalidere White.250ML	7.25
- 4 Efes Pilsen Draft	21.00
- 1 Baklava	4.25

Total:

Credit Card

125.10  
125.1013-15 HIGH STREET  
STAINES, TW18 4QY  
TEL: 01784 463 978

THANK YOU

Seen merchant copy of  
above £125.10 transaction  
dated 15.01.20 at 20:07  
signed by Marcos  
Sebastian.

*Marcos*

Ticket	694.90
GRAND TOTAL	694.90

## Payments

Credit Card	97.05%	674.40
Cash	2.95%	20.50
Total		694.90

## Ticket Details

	Ticket Counts
Total	10 694.90
Amount per Ticket	69.49
	Order Counts
Total	65 694.90
Orders per Ticket	6.50
Amount per Order	10.69
	Ticket Counts per State
Paid	10 694.90
	Order Counts per State
Submitted	65 694.90

## Payment Details

	Ticket
Credit Card	97.05% 674.40
Cash	2.95% 20.50

## User Sales

Manager	694.90
---------	--------

## Settled by Manager

Credit Card	97.05%	674.40
Cash	2.95%	20.50
Total Income		694.90

## Item Sales

Chargrills	42.65%	296.35
Set Menus	25.25%	175.45
Soft Drinks	5.34%	37.10
Tea & Coffee	2.63%	18.25
Desserts	3.89%	27.05
Sparkling Wine	3.81%	26.50
Cold Starters	1.50%	10.40
Hot Starters	6.14%	42.65
Pides	1.58%	11.00
Turkish Wine	1.04%	7.25
Beers	3.02%	21.00
Kids Menu	0.86%	5.95
Pizza	1.80%	12.50
Sides	0.50%	3.45
Total		694.90



## SPARKLING

	125ml	Bottle
<b>PROSECCO, COLLEVENTO 921 ITALY</b>	8.50	26.50
<i>Delicate hints of green apple and pear, medium dry with a fresh and fruity palate.</i>		
<b>PROSECCO SUPERIORE VALDOBBIADENE, BEPIN DE ETO ITALY</b>		31.95
<i>A truly superb prosecco. Intense notes of freshly baked bread, apple, pear and peach. Full flavoured with a fresh acidity. Eminently drinkable.</i>		
<b>SPARKLING ROSÉ, MOTIVO ITALY</b>		27.50
<i>Enticing notes of strawberry, peach and pomegranate. Elegantly structured, packed with fresh strawberry and ripe tropical fruit flavours.</i>		
<b>CHAMPAGNE, VEUVE LORINET FRANCE</b>	9.95	49.95
<i>A full-bodied Champagne with a persistent mousse. Densely packed apple and pear fruits give way to a noticeably creamy, caramel-like finish.</i>		
<b>CUVÉE BRUT NV, BOLLINGER FRANCE</b>		69.95
<i>Scents of apple and biscuits emerge to an almost apple-crumble palate, overlaid with a yeasty toastiness. Great complexity, creamy with and a pleasing depth.</i>		
<b>CUVÉE ROSÉ BRUT NV, LAURENT-PERRIER FRANCE</b>		99.95
<i>Fresh aromas of crushed wild raspberry, cherry and blackcurrant. On the palate it is a velvety wine of fine balance and full flavour.</i>		

## TURKISH RED

	175ml	250ml	Bottle
<b>KAVAKLIDERE ANGORA RED TURKEY</b>	5.45	7.25	18.95
<i>Vivid and bright red. Good balance of acidity, tannins and moderate body. Retains a light spice and fruit fragrance.</i>			
<b>YAKUT TURKEY</b>	5.95	7.95	21.95
<i>Soft, spicy wine. Easy to drink from a blend of four local grapes.</i>			

## TURKISH WHITE

<b>KAVAKLIDERE ANGORA WHITE TURKEY</b>	5.45	7.25	18.95
<i>Angora White revealing the distinctive aromatic character of the 'Sultana' grape gown in Denizli, is a delicious, lively and well balanced white wine.</i>			
<b>CANKAYA TURKEY</b>	5.95	7.95	21.95
<i>A dry, light, elegant wine with delicious, ripe fruit from a blend of four local grapes.</i>			

## ROSE

	175ml	250ml	Bottle
<b>PINOT GRIGIO BLUSH, RE TEODORICO ITALY</b>	6.25	8.50	22.95
<i>Perfumes of red cherries and strawberries. Dry and intense with lingering strawberry hints on the finish.</i>			
<b>KAVAKLIDERE ROSÉ TURKEY</b>			29.95
<i>Crisp with peach and strawberry aromas. A blend of Cal Karasi, Syrah, Grenache grown in the Aegean Region of Turkey.</i>			
<b>CÔTES DE PROVENCE ROSÉ, CHÂTEAU DE GAIROIRD FRANCE</b>			34.95
<i>Dry, elegant, organic! Notes of citrus and pink grapefruit. Silky and smooth on the palate with a lovely balance between the wines freshness and its silky body.</i>			

18.95	175ml 250ml Bottle	<b>MERLOT, RE TEODORICO</b> ITALY	Enticing aromas of forest fruits, and ripe stone fruits introduce a soft, immediate and pleasant taste.	
20.95		<b>CABERNET SAUVIGNON, LOS BOLDOS</b> CHILE	Delightfully fruity, aromas of cherries and strawberries that fill the nose and flood the palate. Medium bodied with a soft tannic finish.	
21.95	5.95 7.95	<b>MONTPELUCIANO D'ABRUZZO, RADICA</b> ITALY	Scents of dark fruits with notes of chocolate and liquorice. Well balanced and smooth tannins, full and persistent taste.	
25.95		<b>CHIANTI CLASSICO, LUIANO</b> ITALY	Bright cherry and vanilla aromas which continue onto the palate. Smooth tannins and a gently savoury herb and mineral finish.	
27.95		<b>RIPANCO, JOSE MARIA DA FONSECA</b> PORTUGAL	Earthy and spicy notes on the nose, warm red fruits on the palate with smooth delivery of blackberry and plum followed by an herbaceous note.	
29.95	7.95 10.95	<b>MALBEC CLASSICO, KAIKEN</b> ARGENTINA	Very fruity aromas such as ripe strawberries and dry plums, complemented with chocolate and vanilla notes from barrel ageing. On the palate, extraordinary softness and balance.	
29.95		<b>RIOJA CRIANZA RESERVA, MURIEL</b> SPAIN	A fruity and aromatic explosion with notes of raspberry, plum and strawberry, and a characteristic touch of liquorice. On the palate it is smooth and balanced.	
30.95		<b>PRIMITIVO, MASSERIA CAPOFORTE</b> ITALY	Superbly-structured, velvety texture and a rounded mouth-feel. Impressively rich, yet crisp, it concludes with a finish laced with fragrant cocoa powder, espresso bean and vanilla.	
34.95		<b>PINOT NOIR, WAIMEA ESTATE</b> NEW ZEALAND	Plum, cherry, dark florals and a hint of wood smoke on the nose. The wine is mouth filling and silky, rich in flavour with a sweetly spicy finish.	
41.95		<b>GRECCIO ROSSO, BEPIN DE ETO</b> ITALY	Cabernet Franc, Cabernet Sauvignon, Merlot and Marzemino grapes make up this superb Veronese red blend. Complex bouquet, notes of dark fruits, delicate hints of vanilla and from barrel ageing. The palate is full and elegant, with well-integrated acidity and a long-lingering finish.	
49.95		<b>SAINT-ÉMILION GRAND CRU, CLOS DE LA CURE</b> FRANCE	A complex wine, with bramble fruit, spicy oak and tobacco leaf on the nose. Full bodied on the palate displaying ripe blueberry, blackberries, hints of chocolate, and herbal clove notes towards the long lingering finish.	
59.95		<b>AMARONE, RE TEODORICO</b> ITALY	Deep ruby red tending to garnet with a complex bouquet of small red fruits, cacao and spices. Produced from the finest selection of Corvina, Corvinone and Rondinella grapes, laid out to dry on wooden racks for 3-4 months. Full-bodied, enveloping and smooth.	
65.95		<b>BAROLO, COMM. G.B. BURLOTTO</b> ITALY	Beautiful ruby red with an intense aroma that is typical Nebbiolo: notes of strawberry, glazed cherry, marzipan, sweet spicy oak and a touch of orange peel. A silky mouth-feel offers firm tannins and a long finish.	
74.95		<b>CHATEAUNEUF DU PAPE, DOMAINE CHANTE CIGALE</b> FRANCE	This is a traditional Châteauneuf-du-Pape with a peppery, leathery nose. The palate is dry with spices, more pepper and a hint of vanilla before a delicious, firm finish.	



## WHITE

	175ml	250ml	Bottle
<b>SOAVE, RE TEODORICO</b> ITALY			18.95
<i>Fruity and floral bouquet. The taste is vibrant and sapid with the characteristic aftertaste of almonds.</i>			
<b>CHENIN BLANC, BLOCKHEAD</b> ITALY			19.95
<i>Packed with flavours of fresh apples and a touch of quince jelly. Un-oaked, with a delicious creaminess and lovely zingy bite.</i>			
<b>SAUVIGNON, CASA SANTIAGO</b> CHILE	5.75	7.95	20.95
<i>Tropical notes, dry and clean with classic citrus flavours. Fresh and easy drinking.</i>			
<b>CHARDONNAY, STONES THROW</b> AUSTRALIA			22.95
<i>Delightful example of a youthful, fruit driven, un-wooded style of Chardonnay.</i>			
<b>PINOT GRIGIO, ANTONUTTI</b> ITALY	6.95	8.75	24.95
<i>Pear and stone fruits on the nose, with floral and herby hints. Soft and fruity palate, with a mineral finish.</i>			
<b>PICPOUL DE PINET, DUC DE MORNAY</b> FRANCE			26.95
<i>Exuberantly fresh on the palate with ripe white peach, mango, and an underlying minerality. This is a flavoursome and concentrated yet fine and elegant wine.</i>			
<b>ALBARINO, LAUREATEUS</b> SPAIN			28.95
<i>Intense fresh fruit aromas of tangerine, pears and apples, aromatic herbs like fennel and well balanced acidity.</i>			
<b>SAUVIGNON, KUKI</b> NEW ZEALAND			31.95
<i>Lifted notes of fresh grapefruit and tropical fruits on the nose leading to a fresh palate with concentrated fruit flavours and a long finish.</i>			
<b>GAVI DI GAVI, LA CHIARA</b> ITALY			33.95
<i>A dry white of superior quality. Intense notes of white flowers and fresh green apples. The palate is balanced with a fresh acidity and robust structure, light honeyed finish.</i>			
<b>SANCERRE, DOMAINE CROCHET</b> FRANCE			36.95
<i>Aromatic floral aromas of white blossom and grapefruit on the nose: the palate is refreshing and dry.</i>			
<b>CHABLIS, DOMAINE LA CHABLISIENNE</b> FRANCE			39.95
<i>Complex bouquet; from honey-spice bread and vanilla aromas to other notes of citrus and eucalyptus. Full palate, evoking ripe peaches before giving way to a fresh finish.</i>			



## PRE-DINNER DRINKS & COCKTAILS

<b>APEROL SPRITZ</b>	8.95	<b>COSMOPOLITAN</b>	8.95
<b>BELLINI</b>	6.95	<b>MOJITO</b>	8.95
<b>PORNSTAR MARTINI</b>	8.95	<b>JUG OF PIMMS</b>	14.95

*Ask to see our extended Cocktail Menu*

## BEER

<b>EFES PILSEN</b>	330ml	4.25
<b>EFES PILSEN DRAFT</b>	500ml	5.25
<b>PERONI NASTRO AZZURO</b>	330ml	4.45
<b>MORETTI DRAUGHT</b>	Half Pint 3.95	Pint 5.95
<b>MORETTI ZERO - ALCOHOL FREE</b>	330ml	3.95
<b>CORONA</b>	330ml	4.45

## GIN 25ml

<b>GORDONS</b>	3.95	<b>PINK GIN</b>	4.45
<b>BOMBAY SAPPHIRE</b>	4.45	<b>HENDRICKS</b>	4.95

## VODKA 25ml

<b>SMIRNOFF</b>	4.25	<b>GREY GOOSE</b>	5.95
<b>ABSOLUT</b>	4.95		

## WHISKEY 25ml

<b>JAMESON</b>	4.25	<b>JOHNNIE WALKER RED LABEL</b>	4.45
<b>BELLS</b>	3.95	<b>JOHNNIE WALKER BLACK LABEL</b>	4.75
<b>JACK DANIELS</b>	4.45		

## RAKI

25ml	4.25	35CL Bottle	32.95	70CL Bottle	47.95
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## RUM 25ml

<b>BACARDI</b>	3.95
<b>CAPTAIN MORGAN DARK RUM</b>	4.45

## BRANDY 25ml

<b>MARTELL XXX, COGNAC</b>	4.45
<b>BOULARD 'GRAND SOLAGE', CALVADOS</b>	4.65
<b>REMY MARTIN</b>	5.95

## LIQUEURS 25ml

<b>BAILEYS 50CL</b>	4.25	<b>MARTINI DRY 50cl</b>	3.85
<b>COINTREAU</b>	4.15	<b>MARTINI ROSSO 50cl</b>	3.85
<b>GRAND MARNIER</b>	4.15	<b>CAMPARI</b>	3.85
<b>AMARETTO</b>	4.15	<b>TIO PEPE SHERRY</b>	3.85
<b>KUMMEL</b>	4.15	<b>HOUSE PORT</b>	3.85

Doubles add 2.95 - Mixers add 1.00

## SOFT DRINKS & JUICES

<b>FRUIT JUICE</b> Apple, Pineapple, Orange, Cranberry	2.45
<b>SODA WATER</b>	2.45
<b>COCA COLA / DIET COKE / COKE ZERO / FANTA</b>	2.75
<b>LEMONADE</b>	2.75
<b>GINGER ALE</b>	2.75
<b>STILL / SPARKLING WATER 330ml</b>	1.75
<b>STILL / SPARKLING WATER 750ml</b>	2.95
<b>AYRAN</b>	2.45



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\* required information

## Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Mr Gurhan

\* Family name

Cetin

\* E-mail

info@northpointuk.co.uk

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader
- ☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Address**

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

**Agent Details**

* First name	<input type="text" value="Halit"/>
* Family name	<input type="text" value="Ertas"/>
* E-mail	<input type="text" value="info@northpointuk.co.uk"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☐ An agent that is a business or organisation, including a sole trader
- ☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Your Address**

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

**Section 2 of 21**

**PREMISES DETAILS**

**Continued from previous page...**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address      ☐ OS map reference      ☐ Description

**Postal Address Of Premises**

Building number or name	Fora Restaurant 13-15
Street	High St
District	
City or town	Staines
County or administrative area	
Postcode	TW18 4QY
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	42,000

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

#### Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 21

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

First name

Mr Gurhan

Family name

Cetin

Is the applicant 18 years of age or older?

☒ Yes ☐ No



Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

E-mail

info@northpointuk.co.uk

Telephone number

Other telephone number

\* Date of birth

/  /   
dd mm yyyy

\* Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

Add another applicant

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?

01 /  11 /  2019  
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/  /   
dd mm yyyy

Provide a general description of the premises

**Continued from previous page...**

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Restaurant/Public House ( Please see submitted Plans )

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

### Section 6 of 21

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

### Section 7 of 21

#### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

*Continued from previous page...*

Will you be providing recorded music?

☐ Yes

☒ No

## Section 12 of 21

### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

## Section 13 of 21

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

## Section 14 of 21

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

Give timings in 24 hour clock.

(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

FRIDAY

Start 10:00

End 23:00

Start

End

SATURDAY

Start 10:00

End 23:00

Start

End

SUNDAY

Start 10:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name Gurhan

Family name Cetin

Date of birth  /  /   
dd mm yyyy

*Continued from previous page...*

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

*Continued from previous page...*

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 18 of 21

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

**Continued from previous page...**

List here steps you will take to promote all four licensing objectives together.

1. The Designated premises supervisor shall be in day-to-day control of the premises.
2. All staff shall be trained in the relevant requirements of the Licensing Act before they sell or supply alcohol . Records of this training shall be kept and made available to authorised officers of the council and metropolitan police .
3. The age at which the age verification policy required by the mandatory condition attached to this licence is set, shall be 25 years of age at a minimum (Challenge 25). Any person who appears to be aged 25 years of age (at a minimum) or under shall provide documented proof, as per the policy, that he/she is over 18 years of age.

**b) The prevention of crime and disorder**

4. There should be no sales of alcohol for consumption off the premises , save for with or ancillary to takeaway deliveries of meals.
5. Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an accompaniment to a sit-down meal, to be consumed on the premises.
6. A CCTV system is to be installed and maintained on the premises, to cover all areas including the common entrance area. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be retained for 30 days and shall be provided to a Police or authorised officer upon request. All recordings will display the correct date and time of the recording.
7. A permanent notice shall be affixed to a prominent part of the premises advertising hours where the premises will be open to the public.

**c) Public safety**

8. CCTV shall record all entrances and exits to the premises at all times the premises are open for licensable activities.
9. A log shall be kept at the premises and record of all refused sales of alcohol for reasons that the person is or appears to be under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the local authority

**d) The prevention of public nuisance**

10. Prominent, clear and legible notices will be displayed at exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

**e) The protection of children from harm**

11. The premises shall operate a Challenge 25 policy with regard to age related sales of alcohol. Prominent signage shall be displayed to advise members of the public of this policy.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.



**Continued from previous page...**

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

**Continued from previous page...**

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

**Continued from previous page...**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

**Continued from previous page...**

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

## ATTACHMENTS

## AUTHORITY POSTAL ADDRESS

### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine 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.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/spelthorne/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**



**From:** Catlyn, Lucy  
**Sent:** 03 January 2020 17:15  
**To:** 'Info@northpointuk.co.uk'  
**Cc:** Sokhey, Sandeep **Subject:** Fora

Good afternoon Halit

Apologies I have just gone to issue the premises licence however I am having an ICT issue, I have raised this internally however I won't be back in the office until 13.01.

In the meantime, please can you send me the newspaper article where you advertised the application – we require this to be sent by the applicant for our records.

Best wishes  
Lucy

**Lucy Catlyn**  
**Licensing Enforcement Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18  
1XB  
Tel: 01784 444295

For information on how Spelthorne Borough Council handles your data, please read our privacy notices ([Licensing](#) / [Taxi Licensing](#)).

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**From:** info@northpointuk.co.uk  
**Sent:** 16 January 2020 07:10  
**To:** Catlyn, Lucy  
**Subject:** RE: Fora

Good Morning Lucy/Licensing Team,

I would like to clarify the situation from my perspective. Fora Restaurant has failed to communicate with me efficiently despite my several attempts during this process Premises Licence application and TEN Notices). Client has not made my payments on time despite my several attempts. Client also doesn't want to pay the additional cost of TEN Notice applications. Whenever I asked money all owner become silent or not taking my calls or making little payment on last minute.

During the last two months, I have raised these issues to Licensing officer Lucy. She is aware of this problem. In one occasion Lucy was advising me to put all TEN notices in once but when I have explained the situation to the owner, they did not take my call on time nor wanted to pay my cost and application costs. However, I have still made some of the application by paying from my own account.

In one occasion licensing officer Jacquie went to premises and explained the issue then client took my call on the premises while Ms Jacquie standing next to him then he make an additional payment of £150 which wasn't covering my cost nor 6 TEN Notice fees for the application. Please see below related e-mail dated: 18 Dec 2019.

“ Hi Halit

I understand that your client, Fora have not been replying to you and not sent you money for TENS to be submitted. I have copied Surrey Police into this email so that they are aware.

Kind regards  
Lucy

**Lucy Catlyn**  
**Licensing Enforcement Officer**  
**Environmental Health and Licensing**

Above is an example and I have had similar issues during all this process.

If you require any further information, please feel free to contact me.

Kind Regards

**Halit Ertas**  
**Planning Consultant**

**From:** Catlyn, Lucy  
**Sent:** 14 January 2020 16:38  
**To:** 'info@northpointuk.co.uk'  
**Subject:** RE: Fora

Hi Halit

I understand from our conversation that you asked your client to pay for the newspaper advert and they unfortunately did not pay it

Therefore you have advised me that the newspaper advert was not advertised and this has only just come to your attention today.

We will visit the premises as licensable activities must cease with immediate effect.

Kind regards

**Lucy Catlyn**  
**Principal Licensing Officer**  
**Environmental Health and Licensing**

**From:** Catlyn, Lucy  
**Sent:** 14 January 2020 16:34  
**To:** 'info@northpointuk.co.uk'

Hi Halit

Unfortunately this does not state which newspaper and date it was published?

Thanks  
Lucy

**Lucy Catlyn**  
**Principal Licensing Officer**  
**Environmental Health and Licensing**

**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)  
**Sent:** 14 January 2020 15:59  
**To:** Catlyn, Lucy  
**Subject:** RE: Fora

Hi Lucy,

Please see attached newspaper advert proof as requested.

Surrey Advertiser.

**Halit Ertas**  
**Planning Consultant**

**From:** Catlyn, Lucy  
**Sent:** 13 January 2020 17:41  
**To:** 'Info@northpointuk.co.uk'  
**Cc:** Sokhey, Sandeep

Hi Halit

I don't appear to have heard from you in relation to the below

Please can you urgently advise where you advertised this application.

Thanks  
Lucy

**Lucy Catlyn**  
**Principal Licensing Officer**  
**Environmental Health and Licensing**

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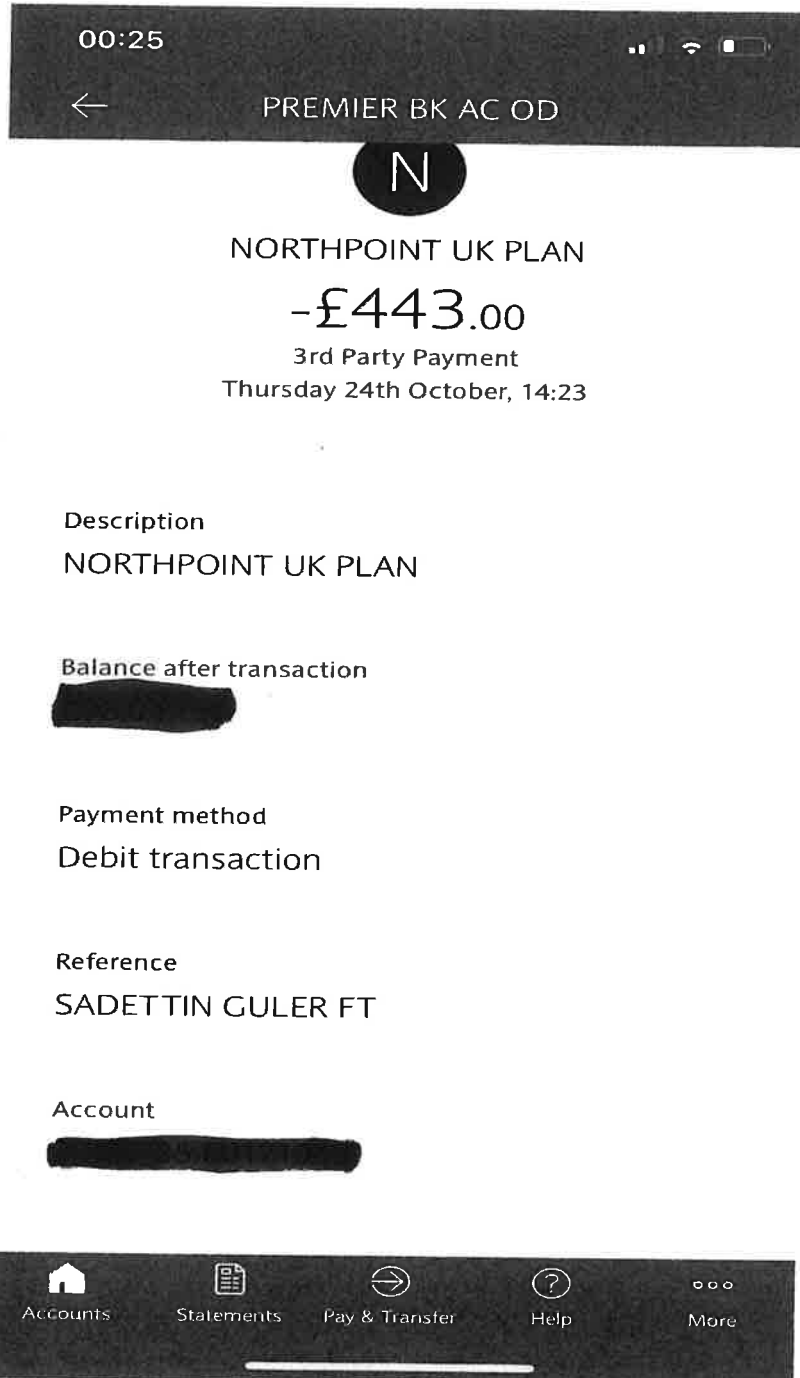
**From:** Sadettin Guler  
**Sent:** 16 January 2020 00:33  
**To:** Catlyn, Lucy **Subject:** Fora, alcohol licence

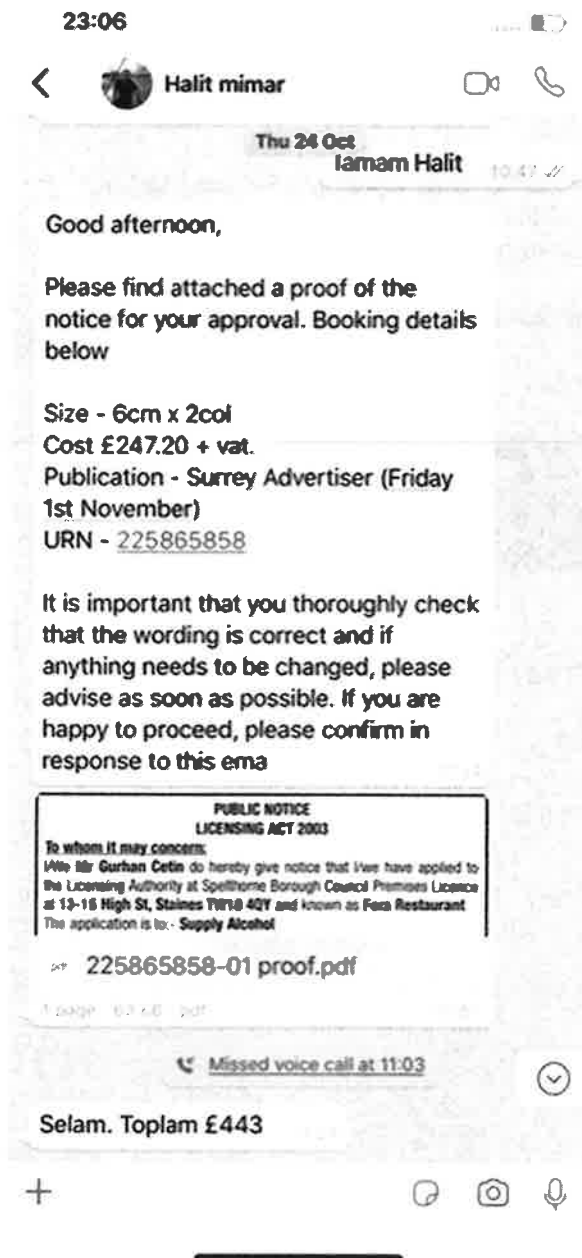
Dear Lucy,

Please find attached copy of the debit from my bank account to Northpoint for payment of the advertising, and a copy of the message from Halit, regarding the advertisement, which I approved and consequently paid for in full, the same day, £443.

I sincerely hope this meets your requirements. Please contact me at your earliest convenience.

Kind regards, Sadettin





Appendix H

15/01/2020 meeting with 34  
Saaettin Guler

([REDACTED])  
director of Fora,  
Gurhin Setinana  
Soner Mucigim  
(manager of Staines  
Fora). Saaettin is  
just as surprised as  
I am that no newspaper  
advert was put in the  
newspaper & they  
paid Halit the agent  
£443 on 24/10/19.  
Advised they need

to apply for a new<sup>35</sup>  
licence and pay again.  
Recommend get licensing  
Solicitor and that they  
could do TENS. Due to  
the apparent miscommunication  
between Fora & Halit I  
have recommended they  
put in writing what went  
wrong with the newspaper  
advert and we will  
consider not objecting  
to their application -  
however did not make  
any promises. Noted

wine glasses on<sup>36</sup>  
the table. Wine  
in Fridge (two),  
spirits behind  
bar by sink and  
but behind counter  
& wine behind  
counter - explained  
needs to removed  
and not on display.  
Quite a few crates  
where behind  
cupboard door  
~~beh~~<sup>ic</sup> at side of  
bar. Advised to

let people know<sup>37</sup>  
who have bookings  
that have no licence.  
No alcohol been  
served since 31/01.  
Saw whatsapp msg  
on saeettin phone  
with only half of  
my email of 03/01.  
For me to email  
~~get~~<sup>get</sup> Saeettin the  
conditions  
They got 15 bookings  
coming up



OFFICIAL

MG11

**WITNESS STATEMENT****Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9**

URN

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Statement of: Victor Norman SMITH

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Designing Out Crime Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.



Signature: (witness)

Date: 11<sup>th</sup> February 2020

I am the Designing out Crime Officer for North Division, Surrey Police; but this statement relates to an incident when I was not on official duties, but socialising in my own time in Staines-upon-Thames.

On Wednesday 15<sup>th</sup> January 2020, my daughter [REDACTED] suggested that we meet for an evening meal at a Turkish style restaurant in the town. She told me that it was a new restaurant called 'Fora' and neither of us had visited before. The location was previously The Boundary Public House at 13 High Street, Staines-upon-Thames.

I met her inside the restaurant at about 7.30pm that evening, where she was already seated at a table at the very rear of the restaurant, past the bar area. I noticed that there were a group at the table to the left as I entered, and that there were half a dozen or so others already seated at various tables near to where I joined my daughter. I noticed that two young women at a nearby table were drinking from wine glasses - what I assumed to be red wine, with a wine bottle opened on their table.

Having sat down, we were served by a middle-aged male member of staff. I requested a bottle of Prosecco sparkling white wine to share and which he provided along with glasses. We ordered food and consumed the wine with our meals. At the end of the meal a younger man presented the bill, which included the cost of the bottle of Prosecco. I did not retain the bill, but from memory the wine was priced at £25.50 or thereabouts. We left at about 9pm that evening.



Signature:

Signature witnessed by:

OFFICIAL

MG11

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Sadettin Guler

Contact: Lucy Catlyn  
 Service: Environmental Health  
 Direct line: 01784 444295  
 Fax: 01784 446437  
 E-mail: [REDACTED]  
 Our ref: Fora Restaurant

Date: 17 January 2020

Dear Sirs

**LICENSING ACT 2003**

**FORA RESTAURANT, 13-15 HIGH STREET, STAINES UPON THAMES, TW18 4QY**

I write further to the above premises and outline the timeline of events for ease of reference:

- The last day for representations is 26 December 2020.
- I advise Halit the agent from Northpoint via email on 3 January 2020 that I was going to issue the premises licence however I was having an ICT issue and would be back in the office on 13 January 2020. I asked him in the meantime to send me the newspaper article. I advised the licence was granted in good faith that they had advertised the application.
- On 13 January 2020 I chased Halit via email at 17.41 as I had received no reply. I also sent him two whatsapp messages advising I need to speak to him and that I need the newspaper advert.
- I spoke to Trinity Newspaper Group on 14 January 2020 who advised me that an advert was cancelled and no advert has been made in their newspaper as far as they could tell.
- Halit advised me on 14 January 2020 that the newspaper advert was not submitted for your Premises Licence application because allegedly the client did not pay for it. Apparently this only came to his attention that day. Halit is advised on 14 January 2020 via telephone and email that licensable activities must cease with immediate effect.
- I speak to Gurhan Cetin on the telephone at 17.02 on 14 January 2020 and advise that the licence application he made (form is dated 19.10.2019) is void because the statutory requirements to advertise in the local newspaper have not been complied with. I advised he needs to submit a new application form and pay again. I advised him to remove all alcohol from display and that he is not allowed to sell alcohol. I also advised that if they submit a new application then we will be putting a representation in.
- I met on 15 January 2020 at the premises: Saaettin Guler (Director for Fora), Gurhan Cetin and Soher Mulougim (Manager of Staines For a). Mr Guler advised he is just as surprised as I am that the newspaper advert was not put in the newspaper and he states he paid Halit £443 on 24 October 2019. I advised he needs to apply for a new licence and pay again. It is apparent that there is miscommunication between Fora and Halit and I recommend they put in writing what has gone wrong with them not putting the application in the newspaper.

- I noted at the above meeting there was wine glasses on the tables and alcohol in the two fridges behind the bar, spirits in the bar by the sink and more bottles of alcohol under the counter (these ones were out of sight for the customer). I explained that it needs to be removed from display. I advised them to let people know who have bookings that they have no licence.
- I was advised that they have not sold alcohol since 31 January 2019.
- On 16 January 2020 I explain to Halit on the phone that they need to apply for a new premises licence.

**So there is no confusion please take note of the below offences under the Licensing Act 2003 (both of which have unlimited fines):**

### **136 Unauthorised licensable activities**

#### **(1)A person commits an offence if—**

**(a)he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**

**(b)he knowingly allows a licensable activity to be so carried on.**

(2)Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he—

- (a)performs in a play,
- (b)participates as a sportsman in an indoor sporting event,
- (c)boxes or wrestles in a boxing or wrestling entertainment,
- (d)performs live music,
- (e)plays recorded music,
- (f)performs dance, or
- (g)does something coming within paragraph 2(1)(h) of Schedule 1 (entertainment similar to music, dance, etc.).

(3)Subsection (2) is to be construed in accordance with Part 3 of Schedule 1.

(4)A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to **[F1a fine]**, or to both.

(5)In this Part “authorisation” means—

- (a)a premises licence,
- (b)a club premises certificate, or
- (c)a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

### **137 Exposing alcohol for unauthorised sale**

(1)A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.

(2)For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

(3)A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to **[F2a fine]**, or to both.

(4)The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

You have now been formally told in writing as well as the above that you have no premises licence and therefore no licence to sell alcohol at Fora Restaurant Staines (address above). Should we find that alcohol is sold or exposed for sale then we may consider prosecuting you and will put a representation against any application you make for a premises licence at the above premises.

I trust this is clear but please contact me if you need clarification.

Yours faithfully

Lucy Catlyn  
Licensing Enforcement Officer

The Licensing Spelthorne Privacy Notice can be read at:  
<https://www.spelthorne.gov.uk/article/15990/Privacy-Notice---Licensing>

Mr Gurhan Cetin  
45 Wynndale Road  
London  
E18 1DY

Contact: Lucy Catlyn  
Service: Environmental Health  
Direct line: 01784 444295  
Fax: 01784 446437  
E-mail: l.catlyn@spelthorne.gov.uk  
Our ref: Fora Restaurant

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Lucy Catlyn  
Licensing Enforcement Officer

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# Appendix K

15.40pm 20/01/19 38

on meetin Forax -  
Soner Set<sup>LC</sup> Mulayal  
manager of Forax -  
Proserco in fridge  
behind bar -  
box of wine. Box  
of wine on floor  
behind bar. Table  
of 4 in middle back  
of restaurant  
with a bottle of  
wine on table.  
Gurhan Cetin says  
CCTV working but

no one at premises<sup>39</sup>  
knows how to use it.  
Soner says the 4  
customers who are  
sat at table brought  
their own wine. Asked  
to see copy of bill this  
was produced and  
no wine was on receipt  
dated 20/01/2020 at  
15.52. Arranged to  
come back 1pm  
Friday, Soner was  
not sure how long  
CCTV keeps for

Sener says he <sup>40</sup>  
made a mistake  
on Thursday &  
he gave away 6  
glasses of wine to  
a group booking  
and didn't charge.  
he said he also  
gave free wine to  
other customers  
on Friday. Sener  
is telling customers  
they can bring their  
own. Advised cannot  
display alcohol under

section 137 of <sup>41</sup>  
Licensing Act 2003.  
Booked to come  
back 1pm Friday.  
Fora Restaurant on 27/01/19.  
~~27/01/19 with Alex, licensing~~  
~~2003 officer. Time on~~  
~~at 11.50 TV show 02.19~~  
~~but at 14.54 by~~  
~~Alex mobile phone~~  
~~27.01.2020~~  
~~Gurur Mulayal~~  
~~Gurur Cetin was~~  
~~at premises, they~~  
~~didn't know~~

# FORA RESTAURANT

Date: 15/01/2020

Table: 4

- 1 Prosecco.BTL	26.50
- 1 Hummus	5.20
- 1 Dolma	5.20
- 1 Chicken on Skewer	13.95
- 1 Lamb on Skewer	15.95
- 1 Americano	2.85

Total:

Credit Card

69.65  
69.6513-15 HIGH STREET  
STAINES, TW18 4QY  
TEL: 01784 463 978

THANK YOU

*Marcos*

Seen merchant copy of above  
£69.65 transaction, customer  
paid £76. Dated 9/15/01/20 at  
20:49 signed by Marcos  
Sebastian.

# FORA RESTAURANT

Date: 15/01/2020

Table: 7

- 1 Staines Menu	15.95
* Mixed Meze	
* Incik	
- 1 Mitite Kofte	5.95
- 1 Garlic King Prawns	6.95
- 1 Kalamar Starter	5.95
- 1 Lahmacun	5.50
- 1 Special Mixed Grill	17.95
- 1 Lamb on Skewer	15.95
- 1 Lamb Cutlets	15.95
- 1 Orange Juice	2.45
- 1 Kavalidere White.250ML	7.25
- 4 Efes Pilsen Draft	21.00
- 1 Baklava	4.25

Total:

Credit Card

125.10  
125.1013-15 HIGH STREET  
STAINES, TW18 4QY  
TEL: 01784 463 978

THANK YOU

Seen merchant copy of  
above £125.10 transaction  
dated 15.01.20 at 20:07  
signed by Marcos  
Sebastian.

*Marcos*

( Ticket	694.90
GRAND TOTAL	694.90

## Payments

Credit Card	97.05%	674.40
Cash	2.95%	20.50
Total		694.90

## Ticket Details

	Ticket Counts
Total	10 694.90
Amount per Ticket	69.49
	Order Counts
Total	65 694.90
Orders per Ticket	6.50
Amount per Order	10.69
	Ticket Counts per State
Paid	10 694.90
	Order Counts per State
Submitted	65 694.90

## Payment Details

	Ticket
Credit Card	97.05% 674.40
Cash	2.95% 20.50

## User Sales

Manager	694.90
---------	--------

## Settled by Manager

Credit Card	97.05%	674.40
Cash	2.95%	20.50
Total Income		694.90

## Item Sales

Chargrills	42.65%	296.35
Set Menus	25.25%	175.45
Soft Drinks	5.34%	37.10
Tea & Coffee	2.63%	18.25
Desserts	3.89%	27.05
Sparkling Wine	3.81%	26.50
Cold Starters	1.50%	10.40
Hot Starters	6.14%	42.65
Pides	1.58%	11.00
Turkish Wine	1.04%	7.25
Beers	3.02%	21.00
Kids Menu	0.86%	5.95
Pizza	1.80%	12.50
Sides	0.50%	3.45
Total		694.90



## SPARKLING

	125ml	Bottle
<b>PROSECCO, COLLEVENTO 921 ITALY</b>	8.50	26.50
<i>Delicate hints of green apple and pear, medium dry with a fresh and fruity palate.</i>		
<b>PROSECCO SUPERIORE VALDOBBIADENE, BEPIN DE ETO ITALY</b>		31.95
<i>A truly superb prosecco. Intense notes of freshly baked bread, apple, pear and peach. Full flavoured with a fresh acidity. Eminently drinkable.</i>		
<b>SPARKLING ROSÉ, MOTIVO ITALY</b>		27.50
<i>Enticing notes of strawberry, peach and pomegranate. Elegantly structured, packed with fresh strawberry and ripe tropical fruit flavours.</i>		
<b>CHAMPAGNE, VEUVE LORINET FRANCE</b>	9.95	49.95
<i>A full-bodied Champagne with a persistent mousse. Densely packed apple and pear fruits give way to a noticeably creamy, caramel-like finish.</i>		
<b>CUVÉE BRUT NV, BOLLINGER FRANCE</b>		69.95
<i>Scents of apple and biscuits emerge to an almost apple-crumble palate, overlaid with a yeasty toastiness. Great complexity, creamy with and a pleasing depth.</i>		
<b>CUVÉE ROSÉ BRUT NV, LAURENT-PERRIER FRANCE</b>		99.95
<i>Fresh aromas of crushed wild raspberry, cherry and blackcurrant. On the palate it is a velvety wine of fine balance and full flavour.</i>		

## TURKISH RED

	175ml	250ml	Bottle
<b>KAVAKLIDERE ANGORA RED TURKEY</b>	5.45	7.25	18.95
<i>Vivid and bright red. Good balance of acidity, tannins and moderate body. Retains a light spice and fruit fragrance.</i>			
<b>YAKUT TURKEY</b>	5.95	7.95	21.95
<i>Soft, spicy wine. Easy to drink from a blend of four local grapes.</i>			

## TURKISH WHITE

<b>KAVAKLIDERE ANGORA WHITE TURKEY</b>	5.45	7.25	18.95
<i>Angora White revealing the distinctive aromatic character of the 'Sultana' grape grown in Denizli, is a delicious, lively and well balanced white wine.</i>			
<b>CANKAYA TURKEY</b>	5.95	7.95	21.95
<i>A dry, light, elegant wine with delicious, ripe fruit from a blend of four local grapes.</i>			

## ROSE

	175ml	250ml	Bottle
<b>PINOT GRIGIO BLUSH, RE TEODORICO ITALY</b>	6.25	8.50	22.95
<i>Perfumes of red cherries and strawberries. Dry and intense with lingering strawberry hints on the finish.</i>			
<b>KAVAKLIDERE ROSÉ TURKEY</b>			29.95
<i>Crisp with peach and strawberry aromas. A blend of Cal Karasi, Syrah, Grenache grown in the Aegean Region of Turkey.</i>			
<b>CÔTES DE PROVENCE ROSÉ, CHÂTEAU DE GAIROIRD FRANCE</b>			34.95
<i>Dry, elegant, organic! Notes of citrus and pink grapefruit. Silky and smooth on the palate with a lovely balance between the wines freshness and its silky body.</i>			

18.95	175ml 250ml Bottle	<b>MERLOT, RE TEODORICO</b> ITALY	Enticing aromas of forest fruits, and ripe stone fruits introduce a soft, immediate and pleasant taste.	
20.95		<b>CABERNET SAUVIGNON, LOS BOLDOS</b> CHILE	Delightfully fruity, aromas of cherries and strawberries that fill the nose and flood the palate. Medium bodied with a soft tannic finish.	
21.95	5.95 7.95	<b>MONTPELUCIANO D'ABRUZZO, RADICA</b> ITALY	Scents of dark fruits with notes of chocolate and liquorice. Well balanced and smooth tannins, full and persistent taste.	
25.95		<b>CHIANTI CLASSICO, LUIANO</b> ITALY	Bright cherry and vanilla aromas which continue onto the palate. Smooth tannins and a gently savoury herb and mineral finish.	
27.95		<b>RIPANCO, JOSE MARIA DA FONSECA</b> PORTUGAL	Earthy and spicy notes on the nose, warm red fruits on the palate with smooth delivery of blackberry and plum followed by an herbaceous note.	
29.95	7.95 10.95	<b>MALBEC CLASSICO, KAIKEN</b> ARGENTINA	Very fruity aromas such as ripe strawberries and dry plums, complemented with chocolate and vanilla notes from barrel ageing. On the palate, extraordinary softness and balance.	
29.95		<b>RIOJA CRIANZA RESERVA, MURIEL</b> SPAIN	A fruity and aromatic explosion with notes of raspberry, plum and strawberry, and a characteristic touch of liquorice. On the palate it is smooth and balanced.	
30.95		<b>PRIMITIVO, MASSERIA CAPOFORTE</b> ITALY	Superbly-structured, velvety texture and a rounded mouth-feel. Impressively rich, yet crisp, it concludes with a finish laced with fragrant cocoa powder, espresso bean and vanilla.	
34.95		<b>PINOT NOIR, WAIMEA ESTATE</b> NEW ZEALAND	Plum, cherry, dark florals and a hint of wood smoke on the nose. The wine is mouth filling and silky, rich in flavour with a sweetly spicy finish.	
41.95		<b>GRECCIO ROSSO, BEPIN DE ETO</b> ITALY	Cabernet Franc, Cabernet Sauvignon, Merlot and Marzemino grapes make up this superb Veronese red blend. Complex bouquet, notes of dark fruits, delicate hints of vanilla and from barrel ageing. The palate is full and elegant, with well-integrated acidity and a long-lingering finish.	
49.95		<b>SAINT-ÉMILION GRAND CRU, CLOS DE LA CURE</b> FRANCE	A complex wine, with bramble fruit, spicy oak and tobacco leaf on the nose. Full bodied on the palate displaying ripe blueberry, blackberries, hints of chocolate, and herbal clove notes towards the long lingering finish.	
59.95		<b>AMARONE, RE TEODORICO</b> ITALY	Deep ruby red tending to garnet with a complex bouquet of small red fruits, cacao and spices. Produced from the finest selection of Corvina, Corvinone and Rondinella grapes, laid out to dry on wooden racks for 3-4 months. Full-bodied, enveloping and smooth.	
65.95		<b>BAROLO, COMM. G.B. BURLOTTO</b> ITALY	Beautiful ruby red with an intense aroma that is typical Nebbiolo: notes of strawberry, glazed cherry, marzipan, sweet spicy oak and a touch of orange peel. A silky mouth-feel offers firm tannins and a long finish.	
74.95		<b>CHATEAUNEUF DU PAPE, DOMAINE CHANTE CIGALE</b> FRANCE	This is a traditional Châteauneuf-du-Pape with a peppery, leathery nose. The palate is dry with spices, more pepper and a hint of vanilla before a delicious, firm finish.	

## WHITE

	175ml	250ml	Bottle
<b>SOAVE, RE TEODORICO</b> ITALY			18.95
<i>Fruity and floral bouquet. The taste is vibrant and sapid with the characteristic aftertaste of almonds.</i>			
<b>CHENIN BLANC, BLOCKHEAD</b> ITALY			19.95
<i>Packed with flavours of fresh apples and a touch of quince jelly. Un-oaked, with a delicious creaminess and lovely zingy bite.</i>			
<b>SAUVIGNON, CASA SANTIAGO</b> CHILE	5.75	7.95	20.95
<i>Tropical notes, dry and clean with classic citrus flavours. Fresh and easy drinking.</i>			
<b>CHARDONNAY, STONES THROW</b> AUSTRALIA			22.95
<i>Delightful example of a youthful, fruit driven, un-wooded style of Chardonnay.</i>			
<b>PINOT GRIGIO, ANTONUTTI</b> ITALY	6.95	8.75	24.95
<i>Pear and stone fruits on the nose, with floral and herby hints. Soft and fruity palate, with a mineral finish.</i>			
<b>PICPOUL DE PINET, DUC DE MORNAY</b> FRANCE			26.95
<i>Exuberantly fresh on the palate with ripe white peach, mango, and an underlying minerality. This is a flavoursome and concentrated yet fine and elegant wine.</i>			
<b>ALBARINO, LAUREATEUS</b> SPAIN			28.95
<i>Intense fresh fruit aromas of tangerine, pears and apples, aromatic herbs like fennel and well balanced acidity.</i>			
<b>SAUVIGNON, KUKI</b> NEW ZEALAND			31.95
<i>Lifted notes of fresh grapefruit and tropical fruits on the nose leading to a fresh palate with concentrated fruit flavours and a long finish.</i>			
<b>GAVI DI GAVI, LA CHIARA</b> ITALY			33.95
<i>A dry white of superior quality. Intense notes of white flowers and fresh green apples. The palate is balanced with a fresh acidity and robust structure, light honeyed finish.</i>			
<b>SANCERRE, DOMAINE CROCHET</b> FRANCE			36.95
<i>Aromatic floral aromas of white blossom and grapefruit on the nose: the palate is refreshing and dry.</i>			
<b>CHABLIS, DOMAINE LA CHABLISIENNE</b> FRANCE			39.95
<i>Complex bouquet; from honey-spice bread and vanilla aromas to other notes of citrus and eucalyptus. Full palate, evoking ripe peaches before giving way to a fresh finish.</i>			





## PRE-DINNER DRINKS & COCKTAILS

APEROL SPRITZ	8.95	COSMOPOLITAN	8.95
BELLINI	6.95	MOJITO	8.95
PORNSTAR MARTINI	8.95	JUG OF PIMMS	14.95

*Ask to see our extended Cocktail Menu*

## BEER

EFES PILSEN	330ml	4.25
EFES PILSEN DRAFT	500ml	5.25
PERONI NASTRO AZZURO	330ml	4.45
MORETTI DRAUGHT	Half Pint 3.95	Pint 5.95
MORETTI ZERO - ALCOHOL FREE	330ml	3.95
CORONA	330ml	4.45

## GIN 25ml

GORDONS	3.95	PINK GIN	4.45
BOMBAY SAPPHIRE	4.45	HENDRICKS	4.95

## VODKA 25ml

SMIRNOFF	4.25	GREY GOOSE	5.95
ABSOLUT	4.95		

## WHISKEY 25ml

JAMESON	4.25	JOHNNIE WALKER RED LABEL	4.45
BELLS	3.95	JOHNNIE WALKER BLACK LABEL	4.75
JACK DANIELS	4.45		

## RAKI

25ml	4.25	35CL Bottle	32.95	70CL Bottle	47.95
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## RUM 25ml

BACARDI	3.95
CAPTAIN MORGAN DARK RUM	4.45

## BRANDY 25ml

MARTELL XXX, COGNAC	4.45
BOULARD 'GRAND SOLAGE', CALVADOS	4.65
REMY MARTIN	5.95

## LIQUEURS 25ml

BAILEYS 50CL	4.25	MARTINI DRY 50cl	3.65
COINTREAU	4.15	MARTINI ROSSO 50cl	3.65
GRAND MARNIER	4.15	CAMPARI	3.65
AMARETTO	4.15	TIO PEPE SHERRY	3.65
KUMMEL	4.15	HOUSE PORT	3.65

Doubles add 2.95 - Mixers add 1.00

## SOFT DRINKS & JUICES

FRUIT JUICE Apple, Pineapple, Orange, Cranberry	2.45
SODA WATER	2.45
COCA COLA / DIET COKE / COKE ZERO / FANTA	2.75
LEMONADE	2.75
GINGER ALE	2.75
STILL / SPARKLING WATER 330ml	1.75
STILL / SPARKLING WATER 750ml	2.95
AYRAN	2.45



**From:** Reba Danson [REDACTED]  
**Sent:** 19 February 2020 21:58

Appendix M

**To:** [REDACTED]  
**Subject:** Premises Licence Application Representation

Dear Tracey,

Please forgive that I have emailed this directly to you, but having searched the Spelthorne Council website I don't recognise the names or departments any more and it seemed inappropriate to send it straight to Michael Graham or Lee O'Neil. I thought you would prefer me to send it to you and then you can forward it to the appropriate person, if you don't mind please.

Dear Sir/Madam,

Following receipt of the attached representation received yesterday, on the last day of the consultation period, I have taken advice and am writing to ask that the representation be reviewed by the Head of Governance/Legal in order to ascertain that it meets the definition of a 'relevant representation' under the terms of the Licensing Act 2003.

With the greatest respect to the officer(s) concerned, having studied the representation in detail, I wish to challenge the validity/relevance of the representation on the following grounds:

**1) Prejudice**

The representation states at page 1 para 2:

*The Licensing Department spoke to **Gurhan Cetin on the telephone at 17.02pm on 14 January 2020** and advised that the licence application he made (form is dated 19.10.2019) was void because the statutory requirements to advertise in the local newspaper have not been complied with. **He was advised he needs to submit a new application form and pay again.** He was advised to remove all alcohol from display and that he was not allowed to sell alcohol. **He was also advised that if they submit a new application then we would be submitting a representation.***

This statement does not accord with the spirit of the Licensing Act 2003 and appears to be prejudiced in relation to the submission of this representation against an application made by someone other than Mr Gurhan Cetin. There is the clear implication that the Licensing Officer had decided on 14 January 2020 that a representation would be submitted regardless of any actions taken by the applicant or indeed who the applicant was.

## **2) Grounds for representation as of 14 January 2020.**

At the time of making the above statement, 17:02 on 14 January 2020, the only errors made by the applicant's consultant (at the time) were to fail to follow the proper procedure prescribed in the Licensing Act 2003.

At this point no offences had been committed – other than the unlicensed sale of alcohol from 3 January 2020 due to the Licensing Team prematurely confirming by telephone, on 3 January 2020, that no representations had been received, and therefore the licence was granted – so it is unclear why any representations would be perceived as necessary at that time.

The statement confirms that the applicant needed to submit a new application, but then goes on to threaten the applicant with representations if he does submit a new application.

Surely, in such cases, the purpose of the Licensing Authority is to notify the applicant of the need to submit a new application and then provide advice, if necessary, to enable them to properly comply with the prescribed process? In any event, Mr Gurhan Cetin has not submitted a further application and the application this representation has been made against is by a different applicant entirely. The owner of the company.

## **3) Crime and Disorder**

The Section 182 Guidance makes clear at Section 2.1 that 'Licensing authorities should look to the police as the main source of advice on crime and disorder.'

Having consulted the Surrey Police Licensing Officer, Jacquie Clark, I am advised that the Police are entirely satisfied that every necessary or appropriate measure that could be taken has already been volunteered by the applicant and formalised within the licence application.

The Police Licensing Officer went on to confirm that the submission of a representation by the Police on the grounds of preventing crime and disorder would be deemed to be disproportionate, given that no further measures could be requested that are not already proposed on the licence application.

The Police Licensing Officer stated that the view of Surrey Police is that a hearing could not be justified and would amount to a waste of everybody's time and the taxpayers' money as the applicant had taken every action possible to rectify the mistakes made and prevent further offences being committed.

## **4) Negotiation and co-operation with the authorities**

During the consultation period, on 31 January 2020 and again on 10 February 2020 the Licensing Team were contacted by email and conditions were proposed to ensure the highest level of compliance with the provisions of the Licensing Act 2003.

On both occasions I asked for some guidance on any further measures that might be considered appropriate or necessary that could provide further reassurance to the Licensing Authority.

After the second time of enquiring, the response received from the Licensing Team was:

*"I did not state that I would let you know what further measures Licensing or Surrey Police would consider necessary for the restaurant to be operated to the level of compliance required. It is for the applicant to say how they are going to promote the licensing objectives in all licensing applications."*

It is true that the applicant is expected to propose their own operating schedule; however, the Licensing Officer had previously advised me that she wished to see Mr Mulayim prohibited from any involvement with the premises and a further condition requiring a personal licence holder to be present at all times the premises was open or conducting licensable activities, which we had happily accommodated by proposing additional conditions in the email itself.

I was disappointed that this email made clear that negotiation and discussion was no longer an option, as I had expected to use the remainder of the consultation period to co-operate with the authorities to achieve a satisfactory outcome.

After all, the Section 182 Guidance makes clear that the consultation period is an opportunity to resolve issues and achieve a satisfactory level of compliance, which is how we have worked with the Surrey Police to achieve a co-operative outcome with a satisfactory level of compliance.

#### **5) Removal of Manager**

Mr Mulayim, the individual responsible for selling alcohol after being advised that a licence was not in force, was present at the meeting on 15 January 2020 and Mr Sadettin Guler, the current applicant, believed that the instruction from Police and Licensing Officers needed no further endorsement as he had heard the instruction first hand during the meeting.

Having ignored the warnings and committed offences after the meeting, Mr Mulayim has been removed entirely from having any involvement in the business. This was confirmed to the Licensing Team by email on 31 January 2020, as soon as full information about his actions became clear.

Taking into account the above factors, and of course with the greatest respect for the Licensing Team who work hard to execute the Council's duties under the Licensing Act 2003, I would like to ask for the representation to be reviewed by the Head of Governance/Legal in order to ascertain that the representation is relevant under the circumstances specifically relating to this application.

As you will know from my time in Staines, I am the greatest advocate of the hearing process and I fully appreciate that where relevant representations are lodged, a hearing is the necessary course of action. However, an unnecessary hearing will have a serious financial impact upon the Mr Guler's business and, having already invested more than £150,000 in bringing his business to Staines and renovating a historic building dating from around 1700s, I believe the appropriate course of action is to formally ask for the relevance of this representation to be re-considered.

I thank you for taking the time to action this request and look forward to hearing from you in due course.

In the meantime, I will continue to prepare for a hearing and I will submit a comprehensive document containing pre-hearing information for the benefit of the Sub-Committee, to be included in the Committee report, in the next few days.

I would be grateful if someone could please email me the deadline by which my report needs to be with the Committee Manager for inclusion in the report.

With kindest regards

Reba





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**From:** Catlyn, Lucy  
**Sent:** 28 February 2020 11:24  
**To:** 'Reba Danson'  
**Cc:** Licensing <licensing@spelthorne.gov.uk>  
**Subject:** RE: Update

Dear Ms Danson

I refer to email correspondence dated 19 February requesting that the Licensing Authority representation be reviewed by the Head of Governance/Legal to ascertain as to whether the representation meets the definition of a "relevant representation " pursuant to the Licensing Act 2003. The content of which is noted.

Firstly apologies for the delay in response, the penultimate paragraph of your email expressly states that you will continue to prepare for the hearing, meaning you have not been prejudiced by the time taken to consider your correspondence.

I have had the opportunity to ask the Head of Governance to review this matter and in this regard would respond as follows.

As you have correctly pointed out all representations must be about the likely effect of granting the licence on the promotion of at least one of the four licensing objectives.

In addition, the licensing authority can only consider representations that are not "vexatious" or "frivolous".

"Frivolous" or "vexatious" will bear their ordinary meaning. Whether representations are frivolous or vexatious will be for the licensing authority to determine. For example, the licensing authority might find the representations were vexatious if they arise because of disputes between rival businesses or they might be frivolous representations if they plainly lacked seriousness.

As you know the Licensing Authority are under statutory obligation to uphold and promote the Licensing Objectives underpinning the legislation.

I have had regard to case law where it was held that failure to comply with the administrative requirements of the Act; more specifically the requirement to circulate a press advertisement in the local area was not within the spirit of the legislation causing the decision to grant a licence to be quashed. It is with this in mind that there was a de facto fundamental flaw in the process, meaning no prejudice when this fundamental flaw came to light.

You have further rightly pointed out that the section 182 Guidance makes it clear that "Licensing authorities should look to the police as the main source of advice on crime and disorder." Whilst it is acknowledged that the police are the lead authority, the legislation does not expressly exclude other responsible authorities submitting representations relating to crime and disorder.

I confirm that I have had regard to your email of 19th February timed at 21:58 in its entirety and reviewed the representation and conclude that the Licensing Authority are under statutory obligation to promote and uphold the licensing objectives

underpinning the Licensing legislation and have concluded that the representation is valid.

Yours sincerely

**Lucy Catlyn**  
**Principal Licensing Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18  
1XB  
Tel: 01784 444295

For information on how Spelthorne Borough Council handles your data, please read our privacy notices ([Licensing](#) / [Taxi Licensing](#)).

[REDACTED]

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**From:** Reba Danson [REDACTED]  
**Sent:** 24 January 2020 15:03  
**To:** Licensing  
**Subject:** FORA - Newspaper Advert  
**Attachments:** 225921266-01 (2) PROOF.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Licensing Team,

The newspaper public notice is booked to appear in the Surrey Advertiser as a 5 x 2 classified public notice on 31 January 2020.

As the first day of the consultation period was 23 January that means the advert is appearing on day 9.

A copy of the advert is here for your information but I will provide a copy of the original newspaper page once it's been published so you have proof of publication.

The advert is a direct copy of the Blue Notice so should meet all legal requirements.

Have a super weekend all and I look forward to receiving the signed TENs on Tuesday (all being well of course).

I would be grateful if you could confirm receipt and that the newspaper advert meets the requirements.

With thanks and kind regards

Reba

[REDACTED]

**PUBLIC NOTICE  
LICENSING ACT 2003**

Fora Trading Ltd hereby gives notice that it has applied to Spelthorne Borough Council for the grant of a Premises Licence at 13-15 High Street, Staines, Surrey, TW18 4QY. The application is for the sale, by retail, of alcohol, for consumption on and off the premises, from 11:00am to 11:00pm every day, Monday to Sunday (inclusive). Any person wishing to make representations to this application may do so by writing to Spelthorne Borough Council, Licensing Section, Knowle Green, Staines TW18 1XB or by email to [licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk) not later than 19 February 2020. Representations received after this date will not be considered. A copy of the application can be viewed at Spelthorne Borough Council, Licensing Section, Knowle Green, Staines, during normal office hours. It is an offence knowingly or recklessly to make a false statement in connection with this application; the maximum fine on summary conviction being £5,000. Dated 22 January 2020





Home Office

# **Revised Guidance issued under section 182 of the Licensing Act 2003**

April 2018

## **Revised Guidance issued under section 182 of the Licensing Act 2003**

April 2018

# 1. Introduction

## The Licensing Act 2003

- 1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at [www.legislation.gov.uk](http://www.legislation.gov.uk). The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 16).

## Licensing objectives and aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 1.4 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.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
  - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

## The guidance

- 1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

## Purpose

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

## Legal status

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

## Licensing policies

- 1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

## Licensable activities

- 1.13 For the purposes of the 2003 Act, the following are licensable activities:
- The sale by retail of alcohol;
  - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - The provision of regulated entertainment; and
  - The provision of late night refreshment.

Further explanation of these terms is provided in Chapter 3.

## Authorisations or permissions

- 1.14 The 2003 Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
  - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
  - Temporary event notice – to carry out licensable activities at a temporary event.
  - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

## General principles

- 1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

## **Licence conditions – general principles**

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
  - must be precise and enforceable;
  - must be unambiguous and clear in what they intend to achieve;
  - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
  - must be tailored to the individual type, location and characteristics of the premises and events concerned;
  - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
  - should not replicate offences set out in the 2003 Act or other legislation;
  - should be proportionate, justifiable and be capable of being met;
  - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
  - should be written in a prescriptive format.

## **Each application on its own merits**

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location 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 appropriate for the promotion of the licensing objectives in an individual case.

## **Additional guidance**

- 1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

## Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

## 2. The licensing objectives

### Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.



- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.388.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire

<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Protection of children from harm**

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an

exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol- related illnesses or injuries) this evidence should be considered, and the licensing

authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

### **Offences relating to the sale and supply of alcohol to children**

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

**Table of relevant offences under the 2003 Act**

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority

Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

## 3. Licensable activities

### Summary

- 3.1 A premises licence authorises the use of any premises (see Chapter 5) for licensable activities. Licensable activities are defined in section 1 of the 2003 Act, and a fuller description of certain activities is set out in Schedules 1 and 2 to the 2003 Act.
- 3.2 The licensable activities are:
- the sale by retail of alcohol;
  - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - the provision of regulated entertainment; and
  - the provision of late night refreshment.

### Wholesale of alcohol

- 3.3 The sale of alcohol to the general public is licensable under the 2003 Act in accordance with the definition of “sale by retail” in section 192 of the 2003 Act. This section makes it clear that, to be excluded from the meaning of “sale by retail”, a sale must be:
- made from premises owned by the person making the sale, or occupied under a lease with security of tenure; and
  - for consumption off the premises.
- 3.4 In addition, to be excluded, the sales must be sales which are made to:
- a trader for the purpose of his trade;
  - to a club for the purposes of that club;
  - to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence; or
  - a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.
- 3.5 If an employee were buying alcohol as an “agent” for their employer and for the



purposes of their employer's trade (i.e. selling alcohol), this could be treated as a sale to a trader. If, however, an employee were buying for the employee's own consumption, this would be a retail sale, and would require a licence.

- 3.6 The same considerations apply in the case of caterers who supply alcohol to their customers. Where a caterer purchases alcohol and then sells this alcohol to its customer, an authorisation will be required at the location where the retail sale of the alcohol is made (likely to be the caterer's own premises). If the customer was proposing to sell the alcohol under an authorisation, it is the customer who would need an authorisation under the 2003 Act. In this case, the exemption under the 2003 Act may apply to the sale made by the caterer.
- 3.7 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN)

against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcoholwholesaler-registration-scheme-awrs>.

## **Mobile, remote, internet and other delivery sales**

- 3.8 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.
- 3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

- 3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

## **Regulated entertainment**

- 3.11 Schedule 1 to the 2003 Act sets out what activities are to be treated as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime, including incidental music – (see paragraphs 16.1 to 16.3 below). Chapter 16 of this Guidance document sets out the types of entertainment regulated by the 2003 Act.

## **Late night refreshment**

- 3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
- 3.13 Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 23.00 and until 05.00. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.
- 3.14 Some premises provide hot food or hot drink between 23.00 and 05.00 by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.
- 3.15 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.
- 3.16 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.

- 3.17 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.
- 3.18 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as “free of charge”. Supplies by a registered charity or anyone authorised by a registered charity are also exempt.
- 3.19 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.34 below for more detail on provisions for ‘Vessels, vehicles and moveable structures’).
- 3.20 Supplies of hot food or hot drink from 23.00 are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:
- a member of a recognised club supplied by the club;
  - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
  - an employee of a particular employer (for example in a staff canteen);
  - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
  - a guest of any of the above.

### **Late night refreshment exemptions based on designated locations, premises types and times**

- 3.21 The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late night refreshment business. For example, some late-night cafés serving hot drinks after 23.00 may be located nowhere near pubs and nightclubs or areas associated with alcohol-related crime and disorder.
- 3.22 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour, disorder associated with the night time economy, or illegal working in licensed premises. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.

- 3.23 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- on or from premises which are wholly situated in a designated area;
  - on or from premises which are of a designated description; or
  - during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).
- 3.24 When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.
- 3.25 When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:
- Motorway service areas;
  - petrol stations;
  - local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
  - schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
  - hospitals (except domestic premises);
  - community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
  - licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00.
- 3.26 When choosing to exempt the provision of late night refreshment at particular times, the relevant licensing authority must determine the times between 23.00 and 05.00 when the exemption applies. The exemption and any subsequent change to the time will apply to the whole licensing authority area.
- 3.27 A relevant licensing authority may use more than one type of exemption at the same time, for example by changing the times across the licensing authority area during which licensing requirements will apply and also exempting premises by type across the whole licensing authority area. However, it cannot use different forms of exemption in conjunction with one another – for example, it would not be permitted to change the times in one geographic area only.
- 3.28 Where a premises is situated in the areas of two or more licensing authorities, any of those authorities may be the relevant licensing authority and it would be advisable for an authority wishing to apply an exemption to discuss it with the other authority concerned. This might apply, for example, where an area or premises type exemption is being applied and the licensing authority is aware that a particular premises such as a motorway service area sits across the boundary of two or more licensing authority areas.
- 3.29 Licensing authorities should consider deregulation where possible. However, they do not have to use the exemptions and can continue to require all late night

refreshment providers to be licensed where this is appropriate for the promotion of the licensing objectives.

- 3.30 Existing late night refreshment licences for premises that become exempt from regulation will remain extant unless the holder chooses to surrender it to the licensing authority, but there will be no requirement on the licence holder to pay annual fees and any conditions on the licence will cease to apply for as long as the exemption is in place. In cases where an exemption in relation to late night refreshment provision is applied, other licensing is unaffected. For example if a premises is licensed to sell alcohol and is exempt from requiring a late night refreshment licence, their licence in respect of the sale of alcohol is unaffected. Where a premises benefits from an exemption applied by the licensing authority, any existing conditions on a licence relating solely to the provision of late night refreshment will have no effect during the period of the exemption.
- 3.31 When deciding which exemption to use, if any, the relevant licensing authority should always first consider what the risks are in terms of the promotion of the licensing objectives, including the prevention of illegal working in those premises. The decision to make an exemption is a licensing function that licensing authorities should include within their statement of licensing policy. It would then therefore be subject to the statutory consultation process with other responsible authorities and relevant parties set out in section 5 of the 2003 Act. However, it is for the licensing authority to decide on the detail and extent of the consultation beyond the statutory minimum; for example, in areas where there are concerns about illegal working in licensed premises the licensing authority should consult Home Office Immigration Enforcement. The licensing authority may decide to only consult on the proposed exemption or, alternatively, it may form part of a wider review of other matters within its statement of licensing policy.
- 3.32 When applying any of the exemptions the relevant licensing authority must publicise the changes and should decide on the most appropriate way to do this, in addition to updating its statement of licensing policy as soon as is practical. There is no requirement for licensing authorities to tell premises individually, however they should publicise the exemption in a way that ensures that those who are likely to be affected may benefit from it. If any fees are paid prior to an exemption coming into effect, licensing authorities should consider whether a refund or partial refund is appropriate. It is for each individual licensing authority to develop its own refund policy and ensure that it is communicated appropriately to all licence holders that are likely to be affected by an exemption.
- 3.33 Licensing authorities can review the exemptions at any time, to change the times, locations or types. However, unlike many other types of licensing decision, the late night refreshment exemptions are not made on a case by case basis and there is no recourse to bring an individual premises back into the licensing regime if there is a problem with that particular premises. In such cases the licensing authority would have to take a decision about the entire exemption and apply it across the whole area. Alternatively, depending on the scale of the problem, other powers could be used such as closure powers under the Anti-

social Behaviour, Crime and Policing Act 2014. Environmental health legislation around noise nuisance may also offer a solution.

## **Late night refreshment from vessels, vehicles and moveable structures**

- 3.34 Under section 189 of the 2003 Act, a vehicle which is not permanently situated in the same place and is or is proposed to be used for one or more licensable activities while parked at a particular place, is to be treated as if it were premises situated at that place. Therefore, a mobile provider of late night refreshment, such as a kebab van, could be treated as exempt if it supplied hot food to the public late at night in an area which had been designated as exempt. If the mobile van drove to and began operating in a nonexempt area, a licence to carry on this activity would be required. Should the licensing authority introduce an exemption, and subsequently wish to revoke it if problems arise, it has the power to do so. Areas which are likely to be considered for exemption by licensing authorities (for example, an area outside a town centre) are unlikely to be areas in which mobile kebab vans would frequently operate. As such, mobile vehicles selling late night refreshment are likely to still require licences in the areas in which they are more commonly found.

## **Unauthorised activities**

- 3.35 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed at paragraph 3.2 above other than in accordance with a licence or other authorisation under the 2003 Act. The fine for this offence is unlimited. Police and local authorities have powers to take action in relation to premises carrying on unauthorised activities.

## 9. Determining applications

### General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

### Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

### Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

### Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

## **The role of responsible authorities**

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.
- 9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main



source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

## **Licensing authorities acting as responsible authorities**

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that

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<sup>5</sup> Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

## **Health bodies acting as responsible authorities**

- 9.20 Where a local authority's Director of Public Health in England (DPH)<sup>6</sup> or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may

<sup>6</sup> This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

## **Home Office Immigration Enforcement acting as a responsible authority**

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6

April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

## **Disclosure of personal details of persons making representations**

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

## **Hearings**

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period

where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.

- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;

- the representations (including supporting information) presented by all the parties;
  - this Guidance;
  - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.41 In the context of variations or minor variations, which may involve structural alteration to  
or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such

as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **Considering cases where licensing and planning applications are made simultaneously**

- 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.







# Licensing Act 2003

## 2003 CHAPTER 17

An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences relating to alcohol and for connected purposes.  
[10th July 2003]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1** Act modified (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2007/1118, art. 6
- C2** Act modified (28.11.2008) by S.I. 2008/2867, reg. 12(1)(a)(ii)
- C3** Act modified (26.11.2018) by The Local Government (Boundary Changes) Regulations 2018 (S.I. 2018/1128), reg. 18(2)(a)(7) (with reg. 1(2)(3))

## PART 1

### LICENSABLE ACTIVITIES

#### 1 Licensable activities and qualifying club activities

(1) For the purposes of this Act the following are licensable activities—

- (a) the sale by retail of alcohol,
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 20 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) For those purposes the following licensable activities are also qualifying club activities—
  - (a) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
  - (b) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place, and
  - (c) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.
- (3) In this Act references to the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club do not include a reference to any supply which is a sale by retail of alcohol.
- (4) Schedule 1 makes provision about what constitutes the provision of regulated entertainment for the purposes of this Act.
- (5) Schedule 2 makes provision about what constitutes the provision of late night refreshment for those purposes (including provision that certain activities carried on in relation to certain clubs or hotels etc, or certain employees, do not constitute provision of late night refreshment and are, accordingly, not licensable activities).
- (6) For the purposes of this Act premises are “used” for a licensable activity if that activity is carried on on or from the premises.
- (7) This section is subject to sections 173 to 175 (which exclude activities from the definition of licensable activity in certain circumstances).

## **2 Authorisation for licensable activities and qualifying club activities**

- (1) A licensable activity may be carried on—
  - (a) under and in accordance with a premises licence (see Part 3), or
  - (b) in circumstances where the activity is a permitted temporary activity by virtue of Part 5.
- (2) A qualifying club activity may be carried on under and in accordance with a club premises certificate (see Part 4).
- (3) Nothing in this Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person.
- (4) For the purposes of subsection (3) “authorisation” means—
  - (a) a premises licence;
  - (b) a club premises certificate;
  - (c) a temporary event notice.

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## PART 2

### LICENSING AUTHORITIES

#### *The authorities*

### 3 Licensing authorities

- (1) In this Act “licensing authority” means—
- (a) the council of a district in England,
  - (b) the council of a county in England in which there are no district councils,
  - (c) the council of a county or county borough in Wales,
  - (d) the council of a London borough,
  - (e) the Common Council of the City of London,
  - (f) the Sub-Treasurer of the Inner Temple,
  - (g) the Under-Treasurer of the Middle Temple, or
  - (h) the Council of the Isles of Scilly.
- (2) For the purposes of this Act, a licensing authority’s area is the area for which the authority acts.

#### *Functions of licensing authorities etc.*

### 4 General duties of licensing authorities

- (1) A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.
- (2) The licensing objectives are—
- (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- (3) In carrying out its licensing functions, a licensing authority must also have regard to—
- (a) its licensing statement published under section 5, and
  - (b) any guidance issued by the Secretary of State under section 182.

### 5 Statement of licensing policy

- (1) Each licensing authority must in respect of each [<sup>F1</sup>five] year period—
- (a) determine its policy with respect to the exercise of its licensing functions, and
  - (b) publish a statement of that policy <sup>F2</sup>... before the beginning of the period.
- <sup>F3</sup>(2) .....
- (3) Before determining its policy for a [<sup>F4</sup>five] year period, a licensing authority must consult—
- (a) the chief officer of police for the licensing authority’s area,
  - (b) the [<sup>F5</sup>fire and rescue authority] for that area,

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**Modifications etc. (not altering text)**

- C8** S. 10 applied (with modifications) (21.5.2007) by Gambling Act 2005 (c. 19), ss. 154(3)(4), 358 (with ss. 352, 354); S.I. 2006/3272, art. 2(2), Sch. 2 (with savings and transitional provisions in Sch. 4) (as amended by S.I. 2007/1157)
- C9** S. 10 applied (with modifications) (1.12.2007) by Gambling Act 2005 (c. 19), ss. 232(2)(3), 358 (with ss. 352, 354); S.I. 2007/3155, art. 2

**PART 3**

**PREMISES LICENCES**

*Introductory*

**11 Premises licence**

In this Act “premises licence” means a licence granted under this Part, in respect of any premises, which authorises the premises to be used for one or more licensable activities.

**12 The relevant licensing authority**

- (1) For the purposes of this Part the “relevant licensing authority” in relation to any premises is determined in accordance with this section.
- (2) Subject to subsection (3), the relevant licensing authority is the authority in whose area the premises are situated.
- (3) Where the premises are situated in the areas of two or more licensing authorities, the relevant licensing authority is—
- (a) the licensing authority in whose area the greater or greatest part of the premises is situated, or
  - (b) if there is no authority to which paragraph (a) applies, such one of those authorities as is nominated in accordance with subsection (4).
- (4) In a case within subsection (3)(b)—
- (a) an applicant for a premises licence must nominate one of the licensing authorities as the relevant licensing authority in relation to the application and any licence granted as a result of it, and
  - (b) an applicant for a statement under section 29 (provisional statement) in respect of the premises must nominate one of the licensing authorities as the relevant licensing authority in relation to the statement.

**13 Authorised persons<sup>F23</sup> ... and responsible authorities**

- (1) In this Part in relation to any premises each of the following expressions has the meaning given to it by this section—
- “authorised person”,
  - <sup>F24</sup> .....
  - “responsible authority”.

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(2) “Authorised person” means any of the following—

- (a) an officer of a licensing authority in whose area the premises are situated who is authorised by that authority for the purposes of this Act,
- [<sup>F25</sup>(b) an inspector appointed by the fire and rescue authority for the area in which the premises are situated.]
- (c) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37),
- (d) an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (e) in relation to a vessel, an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (c. 21),
- (f) a person prescribed for the purposes of this subsection.

<sup>F26</sup>(3) .....

(4) “Responsible authority” means any of the following—

- [<sup>F27</sup>(za) the relevant licensing authority and any other licensing authority in whose area part of the premises is situated,]
- (a) the chief officer of police for any police area in which the premises are situated,
- (b) the [<sup>F28</sup>fire and rescue authority] for any area in which the premises are situated,
- [<sup>F29</sup>(ba) the <sup>F30</sup>... Local Health Board for any area in which the premises are situated,]
- [<sup>F31</sup>(bb) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated,]
- (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c. 8) for any area in which the premises are situated,
- (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (f) a body which—
  - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
- <sup>F32</sup>(g) .....
- (h) in relation to a vessel—
  - (i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters

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where it is, or is proposed to be, navigated at a time when it is used for licensable activities,

- (ii) the Environment Agency,
- (iii) [<sup>F33</sup>Canal & River Trust], or
- (iv) the Secretary of State,

- [<sup>F34</sup>(ha) where the premises (not being a vessel) are being, or are proposed to be, used for a licensable activity within section 1(1)(a) or (d), the Secretary of State,]
- (i) a person prescribed for the purposes of this subsection.

(5) For the purposes of this section, “statutory function” means a function conferred by or under any enactment.

#### Textual Amendments

- F23** Words in s. 13 title omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 105(2)(a), 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F24** Words in s. 13(1) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 105(2)(b), 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F25** S. 13(2)(b) substituted (1.4.2006) by The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 53(1), **Sch. 2 para. 50(2)** (with art. 49)
- F26** S. 13(3) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 105(2)(c), 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F27** S. 13(4)(za) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 103(2)(a), 157(1) (with s. 103(4)); S.I. 2012/1129, art. 2(d)
- F28** Words in s. 13(4)(b) substituted (7.9.2004 for E. for certain purposes and 1.10.2004 otherwise and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 98(2)(3)(b)**; S.I. 2004/2304, art. 2(1){(2)}; S.I. 2004/2917, art. 2
- F29** S. 13(4)(ba) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 104(3), 157(1) (with s. 104(5)); S.I. 2012/1129, art. 2(d)
- F30** Words in s. 13(4)(ba) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 113(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F31** S. 13(4)(bb) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 113(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F32** S. 13(4)(g) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 103(2)(b), 157(1) (with s. 103(4)); S.I. 2012/1129, art. 2(d)
- F33** Words in s. 13(4)(h)(iii) substituted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 16(2)** (with arts. 4-6)
- F34** S. 13(4)(ha) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 3** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)

#### Commencement Information

- I2** S. 13(2)(f)(4)(i) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch. and s. 13 in force otherwise at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

## 14 Meaning of “supply of alcohol”

For the purposes of this Part the “supply of alcohol” means—

- (a) the sale by retail of alcohol, or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 20 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F38** Word in s. 16(2) omitted (6.4.2017) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 4(3)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F39** S. 16(2A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 4(4)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F40** Words in s. 16(3) repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 95, **Sch. 10** (with s. 20(2), Sch. 8)
- F41** Words in s. 16(3) omitted (1.8.2019) by virtue of The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(a)(i)**
- F42** Word in s. 16(3) omitted (1.8.2019) by virtue of The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(a)(ii)**
- F43** Words in s. 16(3) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(b)**
- F44** Words in s. 16(3) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(c)**
- F45** S. 16(3): words in definition of "health service body" substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 236** (with Sch. 3)
- F46** Words in s. 16(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 114**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F47** Words in s. 16(3) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, **art. 12(b)**)
- F48** S. 16(4) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, **art. 12(c)**)

#### Commencement Information

- I3** S. 16(1)(i) in force at 16.12.2003 by S.I. 2003/3222, **art. 2**, Sch. and s. 16 otherwise in force at 7.2.2005 by S.I. 2004/2360, **art. 2**, Sch.

## 17 Application for premises licence

- (1) An application for a premises licence must be made to the relevant licensing authority.
- (2) Subsection (1) is subject to regulations under—
  - (a) section 54 (form etc. of applications etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (3) An application under this section must also be accompanied—
  - (a) by an operating schedule,
  - (b) by a plan of the premises to which the application relates, in the prescribed form, and
  - (c) if the licensable activities to which the application relates ("the relevant licensable activities") include the supply of alcohol, by a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor.
- (4) An "operating schedule" is a document which is in the prescribed form and includes a statement of the following matters—
  - (a) the relevant licensable activities,
  - (b) the times during which it is proposed that the relevant licensable activities are to take place,
  - (c) any other times during which it is proposed that the premises are to be open to the public,

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- (d) where the applicant wishes the licence to have effect for a limited period, that period,
  - (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
  - (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
  - (g) the steps which it is proposed to take to promote the licensing objectives,
  - (h) such other matters as may be prescribed.
- (5) The Secretary of State must by regulations—
- (a) require an applicant to advertise his application within the prescribed period—
    - (i) in the prescribed form, and
    - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the i <sup>F49</sup>persons who live, or are involved in a business, in the relevant licensing authority's area and who are] likely to be affected by it;
  - <sup>F50</sup>(aa) require the relevant licensing authority to advertise the application within the prescribed period—
    - (i) in the prescribed form, and
    - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and”, and]
  - (b) <sup>F51</sup> .....
  - (c) prescribe the period during which <sup>F52</sup>responsible authorities and other persons] may make representations to the relevant licensing authority about the application.
- <sup>F53</sup>(6) The Secretary of State may by regulations—
- (a) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period, and
  - (b) in a case where the application is made by means of a relevant electronic facility, require the relevant licensing authority to give notice of the application to such persons as may be prescribed, within the prescribed period.]

#### Textual Amendments

- F49** Words in s. 17(5)(a)(ii) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(3)(a)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F50** S. 17(5)(aa) inserted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(3)(b)**, 157(1) (with s. 105(11)); S.I. 2012/896, art. 2(a); S.I. 2012/1129, art. 2(d)
- F51** S. 17(5)(b) omitted (28.12.2009) by virtue of The Provision of Services Regulations 2009 (S.I. 2009/2999), reg. **49(2)(a)** (with regs. 2, 5)
- F52** Words in s. 17(5)(c) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(3)(c)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F53** S. 17(6) inserted (28.12.2009) by The Provision of Services Regulations 2009 (S.I. 2009/2999), reg. **49(2)(b)** (with regs. 2, 5)



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## PART 7

### OFFENCES

#### *Unauthorised licensable activities*

#### **136 Unauthorised licensable activities**

- (1) A person commits an offence if—
  - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
  - (b) he knowingly allows a licensable activity to be so carried on.
- (2) Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he—
  - (a) performs in a play,
  - (b) participates as a sportsman in an indoor sporting event,
  - (c) boxes or wrestles in a boxing or wrestling entertainment,
  - (d) performs live music,
  - (e) plays recorded music,
  - (f) performs dance, or
  - (g) does something coming within paragraph 2(1)(h) of Schedule 1 (entertainment similar to music, dance, etc.).
- (3) Subsection (2) is to be construed in accordance with Part 3 of Schedule 1.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to [<sup>F348</sup>a fine], or to both.
- (5) In this Part “authorisation” means—
  - (a) a premises licence,
  - (b) a club premises certificate, or
  - (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

#### **Textual Amendments**

**F348** Words in s. 136(4) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 33(2)** (with reg. 5(1))

#### **137 Exposing alcohol for unauthorised sale**

- (1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.
- (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 20 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## Appeals

### 181 Appeals against decisions of licensing authorities

- (1) Schedule 5 (which makes provision for appeals against decisions of licensing authorities) has effect.
- (2) On an appeal in accordance with that Schedule against a decision of a licensing authority, a magistrates' court may—
  - (a) dismiss the appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
  - (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court,
 and may make such order as to costs as it thinks fit.

#### Commencement Information

- I36** S. 181 in force for certain purposes at 7.2.2005 and for certain further purposes at 7.8.2005 and 24.11.2005 otherwise by S.I. 2004/2360, art. 2, Sch.; S.I. 2005/2090, art. 2, Sch.; S.I. 2005/3056, art. 2 (with Sch.)

## Guidance, hearings etc.

### 182 Guidance

- (1) The Secretary of State must issue guidance (“the licensing guidance”) to licensing authorities on the discharge of their functions under this Act.
- F431** (2) .....
- (3) The Secretary of State may, from time to time, revise the licensing guidance.
- F432** (4) .....
- F432** (5) .....
- F432** (6) .....
- (7) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as he considers appropriate.

#### Textual Amendments

- F431** S. 182(2) omitted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 140, 183(1)(5)(e); S.I. 2017/399, reg. 3(f)
- F432** S. 182(4)-(6) omitted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 140, 183(1)(5)(e); S.I. 2017/399, reg. 3(f)

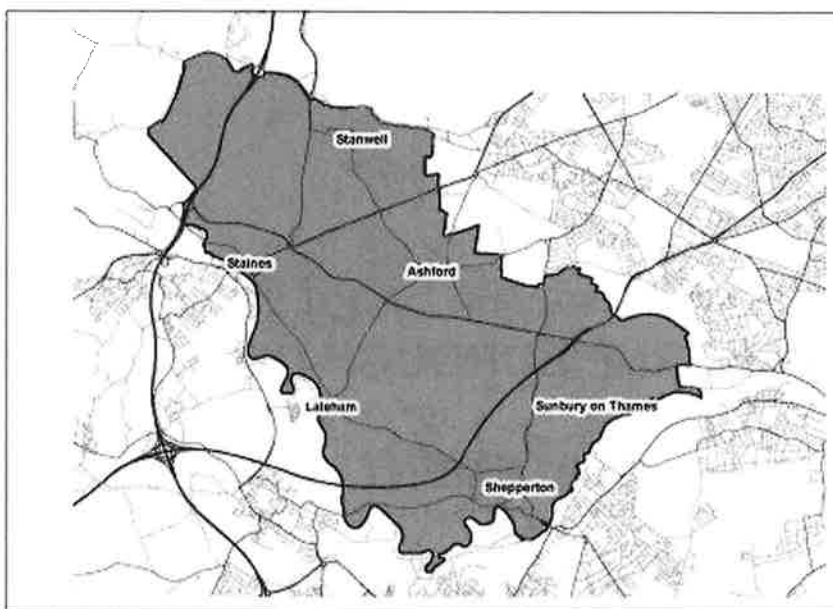
# **SPELTHORNE BOROUGH COUNCIL**

## **STATEMENT OF LICENSING POLICY 2019 – 2024**

### **Statement January 2019**

This Statement of Principles was approved by Spelthorne Borough Council on the 13 December 2018.

## 2.1 MAP OF THE BOROUGH



## 3.0 LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

Section 4 of the Licensing Act requires the Licensing Authority to carry out its licensing functions with a view to promoting the **Licensing Objectives**, which are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Decision making will be based on promoting these licensing objectives. Decision makers will also have regard to this policy document and any guidance issued from time to time by the Secretary of State.

The policy relates to all “licensable activities” as defined by the act, namely:-

- Retail sale of alcohol (for the avoidance of confusion, the definition of alcohol was amended by the Policing and Crime Act 2017 to include alcohol “in any state”. This is to make it clear that products such as powdered and vaporised alcohol fall within the definition provided by the 2003 Act.)
- Supply of alcohol to club members
- Provision of ‘regulated entertainment’ (listed below) – to the public, to club members or with a view to profit
  - A performance of a play
  - An exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment

- A performance of live music (except within limits defined by The Live Music Act 2012)
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
- The supply of hot food and/or drink from any premises between 11pm and 5am (known as Late Night Refreshment).

Note: The requirement to license “entertainment facilities” was removed in October 2012.

#### **4.0 PREMISES LICENCES AND CLUB PREMISES LICENCES**

Premises licences are needed for any business that involves the use of any premises for the licensable activities outlined above. “Premises” does not necessarily have to be a building. If public access to the premises will be restricted to members and guests, a club premises certificate may be obtained.

The “operating schedule” is a key part of the application as it outlines what measures the applicant will put in place to promote the licensing objectives outlined above. These steps will normally become licence conditions. Applications must also contain details of the types of licensable activities, operating hours, and a plan of the premises.

Plans are not be required to be submitted in any particular scale, but must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provide sufficient detail (including the relative size of any features relevant to the application) for the Council to be able to determine the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

#### **5.0 ANNUAL FEES**

Premises licences are not renewed annually but a statutory annual fee is payable.

The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. This does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

#### **SUSPENSION OF LICENCE FOR NON PAYMENT OF ANNUAL FEE**

representations are those that relate to the licensing objectives, are about the particular application and relate to the particular premises.

Conditions will only be attached to a licence where they are appropriate for the promotion of one or more of the licensing objectives. They will focus on matters that are within the control of individual licensees and that are relevant to the type of premises and licensable activities that take place.

When considering conditions, the Licensing Authority will take into account the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Conditions that duplicate provisions in other legislation would not normally be added to licences.

### **8.1 Authorisation of Sales**

There is a mandatory condition on all premises licences that permit the sale of alcohol that all such sales must be authorised by a person who holds a personal licence. It is recommended that this authorisation be given in writing and that this written authorisation be available for inspection by police officers (including suitably authorised police staff), trading standards or licensing officers.

## **9.0 ADMINISTRATION AND DECISION MAKING**

This Policy shall be decided upon by the full Council. The Licensing Committee will consist of a maximum of 15 Members of the Council. If there are relevant representations against an application, the Licensing Authority will try to resolve issues between applicants and those making representations to try to reach agreement so that a hearing is not necessary.

Members of the public who wish to submit a representation will be made aware that their personal details will be made available to the applicant, unless they clearly state that they wish for them to be redacted. Anonymous representations however, will not be accepted by the Licensing Authority.

Where relevant representations have been made and not subsequently withdrawn, applications will be heard by a sub-committee of three members drawn from the Licensing Committee.

The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; the Council's licensing department may do so where considered appropriate without having to wait for representations from other responsible authorities. In cases where Spelthorne's licensing department is also acting as a responsible authority and has submitted a representation against or in support of an application being determined by a sub-committee, it is important to achieve a separation of responsibilities within the authority - to ensure procedural fairness and eliminate conflicts of interest.

A separation will be achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority. The officer advising the sub-committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority.

Guidance issued by the Home Office conveys that it should be considered reasonable for licensing authorities to expect other responsible authorities will intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

The circumstances in which licensing decisions may be delegated to an officer are set out in **Annex 3**.

## **10.0 CONSULTATION**

The Statement of Licensing Policy shall be formulated following wide consultation with other regulatory bodies, representatives of the trade, licence holders, local residents and businesses, the emergency services, supermarket and shop owners. A full list of consultees may be found at Annex 1.

## **11.0 FUNDAMENTAL PRINCIPLES**

It is recognised that licensing law is not the only means of controlling general anti-social behaviour, whether alcohol-related or not. However, licensing plays an important part in managing the night-time economy, particularly in town centres and any other identified “high risk” areas.

This authority recognises that individuals or businesses

- have the right to apply under the Act for a variety of permissions and have any such application considered on its individual merits
- have the right to make representations on an application or to seek a review of a licence or certificate.

The authority has a duty to prevent crime and disorder under Section 17 of the Crime and Disorder Act 1998 and are committed to working closely with Surrey Police, other agencies, local residents and businesses to achieve this.

The authority will act in accordance with the values, principles and standards set out in the Equalities Act 2010.

The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with a convention right. The authority will have

## SAG limitations and benefits

It should be noted that SAGs are **not** responsible for the content of applications, which remains the sole responsibility of the applicant. The applicant must consider if and how to address the issues raised by the SAG and/or those matters outlined in this document. However, experience shows that applicants that go through the SAG process are less likely to attract representations in respect of their proposals.

It is also important to note that SAGs **do not** relieve Responsible Authorities or other persons of the need to make relevant representations where they believe this is appropriate.

## 25.0 CRIME AND DISORDER

Staines Town Centre is no longer considered a hotspot for alcohol-related crime and disorder. However it has the strongest night-time economy in the Borough with a mixture of restaurants, bars, pubs, late night takeaways and a cinema.

What applicants include on their operating schedules will depend on the type of premises, the location, and the proposed activities.

Premises that are mainly concerned with the sale of alcohol for consumption on the premises (**pubs, bars, proprietary clubs**) will need to address the risks to crime and disorder with measures in their operating schedules to:

- Prevent disorder on the premises
- Prevent drunkenness
- Prevent under age sales of alcohol
- Ensure customers enter and leave in an orderly manner
- Exclude illegal drugs
- Exclude offensive weapons

Examples include:-

- Active membership of pubwatch schemes
- Use of licensed door supervisors
- Physical security features e.g. use of shatterproof drinking glasses
- Information on amount of seating to be provided
- Training given to staff in crime prevention measures
- Use of town centre radios (Staines Town Centre) to enable licensed premises to communicate to each other and police
- Search procedures
- Measures to prevent the use or supply of illegal drugs
- Details of CCTV video cameras



This list is not exhaustive and will not suit all applications. Applicants should seek advice from Surrey Police before preparing their operating schedules in relation to the prevention of crime and disorder.

It is recognised that late night takeaways can be the focus of anti-social behaviour, and in Staines Town Centre the use of CCTV, licensed door supervisors at peak times, and signing up to the town centre radio may be considered necessary to address this.

**Shops and off licences** applying to sell alcohol will need to address the risks to crime and disorder with measures in their operating schedules. Examples include:-

- That there will be regular staff training (whether or not staff are paid) in relation to sale of alcohol to under age people and that training records shall be kept.
- All refusals to be recorded. in a refusals book. Refusals books shall consist of a bound book with consecutively numbered pages, and shall be held at the premises and available for inspection on demand at all times by the responsible authorities. Records shall include the reason for the refused sale, whether because the customer looked under 25 and could not provide ID, or the customer appeared to be intoxicated, or whether the sales assistant suspected that the sales may be made on behalf of someone who may be underage or intoxicated (known as proxy sales).
- Use of Electronic Point of Sale (EPOS) system to remind staff via a suitable visual prompt or audible warning. Alternatively stickers can be used over certain products to remind cashiers to check the customer's age.
- That there is CCTV coverage of the licensed premises and the immediate vicinity outside in accordance with Surrey Police's Operational Guidelines in the use of CCTV in licensed shops.
- That a personal licence holder may be required to be on duty at high risk times such as outside school hours and during the evenings, for example where a business has been prosecuted for underage sales and/or is a source of youth disorder.
- That staff shall not sell alcohol to any person they have reason to suspect may be buying the alcohol for a child and that there shall be signage to warn adults that it is an offence to buy alcohol on behalf of a child. This is known as "proxy sales". Where there is evidence of such sales taking place, consideration should be given to ensuring CCTV coverage outside the shop.
- In areas with problems with alcohol related youth crime and disorder, that licence holders shall participate in "Bottlewatch" schemes, if requested to do so by responsible authorities.
- In areas where there is an Offwatch scheme, that licence holders sign up to such a scheme.

This list is not exhaustive and applicants should seek advice from Surrey Trading Standards or Surrey Police before preparing their operating schedules

## **25.1 Reviews**

A review of the licence may be sought by Responsible Authorities or any other person, where:

- A serious crime has occurred at, or can be linked to a particular premises
- There have been prosecutions or penalty notices served for underage sales
- There have been incidents which raise concerns that the premises are not being properly managed
- There have been breaches of the terms or conditions of the licence
- There have been repeated complaints from the public.

## **25.2. Working with other agencies to prevent crime and disorder**

Current arrangements for partnership working and exchange of information between the relevant enforcement agencies will continue. In particular, the Licensing Authority shall work closely with Police and Trading Standards Officers with regard to prevention of the sale of alcohol to under age people.

The Violent Crime Reduction Act 2006 inserts Section 147A into the Licensing Act 2003. Section 147A creates an offence of selling alcohol to a child three times or more during a consecutive three month period. The new penalties created by this offence are:

- The magistrates' court may order the premises licence to be suspended for maximum 3 months
- Trading standards or police may order a temporary (48hours) premises closure notice prohibiting sale of alcohol
- maximum £10,000 fine

Selling alcohol to under 18s can also result in

- £80 fixed Penalty Notice, or
- Prosecution with a fine of up to £5,000
- Revocation of a premises licence
- Revocation of a personal licence

## **25.3 NEW MANDATORY CONDITIONS**

### **The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010**

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 came into force on 6th April 2010 (with the exception of paragraphs 4 & 5 of the Schedule which came into force on 1st October 2010)

All paragraphs will apply to premises licences that permit the sale of alcohol on the premises ("on-licences"). Paragraph 4 only will apply to premises licences that permit the sale of alcohol for consumption off the premises ("off-licences")

(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 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.

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: ½ 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.

These conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale and supply of alcohol from the point they come into force. As the new conditions are mandatory licensing conditions, any breaches will be treated in the same way as breaches of existing conditions. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. In most cases, we would expect there to be a review of those premises. This licensing authority takes any breach that impacts on the licensing objectives seriously.

## **25.4 IRRESPONSIBLE DRINKS PROMOTIONS**

Licence holders are urged to follow the advice contained in the Home Office document “Selling Alcohol Responsibly: the New Mandatory Conditions” published in April 2010. If in any doubt, you should discuss your proposals with your local Licensing Authority and/or police before running the promotion and heed any advice given. Failure to heed such advice may lead to criminal proceedings and/or a review of the licence.

## **25.5 PUBLIC SAFETY**

The public safety objective is about ensuring the physical safety of performers and people attending licensed premises. The risk to public safety will vary according to the type of premises and the activities that take place there. Most risks will be adequately covered by other legislation such as the Health and Safety at Work etc. Act 1974 or fire safety legislation. However other laws may not cover risks that are associated with particular types of activities or entertainment and will therefore need to be addressed in preparing licence applications.

Examples will include

- The provision of a suitable Residual Current Device (RCD) protection of electricity supplies to entertainers' equipment, including microphones, when regulated entertainment is organised on site
- Setting maximum numbers of people allowed (and use of clickers or counting machines when capacity levels are expected to be high)

Applicants are advised to seek advice from the Environmental Health Service (or other enforcement authority for Health and Safety at Work) and Surrey Fire and Rescue Service before preparing their operating schedules.

## **25.6 Reviews in relation to public safety**

### **Fire Safety**

Although existing fire safety legislation can be used to restrict or prohibit the use of premises where there is a fire safety risk, application for the review of a premises licence may be considered by the responsible authorities in the following circumstances:

- Where it is considered that the management had failed to maintain the appropriate level of fire safety provision
- Failure to comply with a fire related enforcement notice
- Following the outcome of any investigation and inspection of a fire occurring within a premises

### **Health and Safety**

Although existing health and safety legislation will primarily be used it may be necessary to apply for the responsible authorities to apply for the review of a premises licence in the following circumstances:

- Serious or regular contraventions of health and safety legislation
- Failure to comply with Improvement or Prohibition Notices
- Service of a Prohibition Notice where a significant risk to public safety exists
- Prosecution for failure to comply with health and safety legislation

## **25.7 PUBLIC NUISANCE**

Licensed premises can have a significant impact on communities from noise, litter, light, odour and anti-social behaviour.

### **25.7.1 Noise**

It is recommended that operating schedules contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby. Applicants should provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints. The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received. Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

Measures could include:

- A simple requirement to keep doors and windows at the premises closed when music is being played
- Limiting amplified music to a particular area of the building
- Moving speakers away from external walls or walls that abut private premises, or adjusting the direction of the speakers
- Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- Fitting self-closing devices on doors so that they do not stay open.
- Monitoring noise levels at the perimeter of premises and taking action to reduce the volume if it is likely to disturb nearby neighbours, e.g. it could be too loud if the words of the song are clearly audible
- Noise limiters on amplification equipment (if proportionate to the premises – noise limiters are expensive and are likely to be a burden for smaller premises)
- Prominent clear and legible notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The placing of bottles and cans into bins outside the premises to take place at times that will minimise disturbance to nearby premises

### **25.7.2 Smokefree**

Since 1 July 2007 it became illegal to smoke in enclosed public buildings and workplaces in England. Customers who want to smoke will therefore have to do so outside licensed premises. Applicants will need to address the potential for public nuisance from this activity, e.g. noise and litter such as cigarette ends. Advice should be sought from the appropriate authorities to ensure that crime and disorder and public safety issues are adequately addressed. For example, it may be necessary to prevent customers from taking alcohol outside when they go out to smoke, or to designate smoking areas that are away from neighbouring residential properties, where necessary. Operating schedules should detail how noise nuisance and disorder in light of this will be dealt with.

### **25.7.3 Odours**

Conditions may be necessary to ensure that licensed premises are properly vented to prevent odours causing a nuisance to people who live or work nearby.

### **25.7.4 Litter**

Late night takeaways are encouraged to include on their operating schedules reasonable assurances that the area in and around their business will be kept clear of litter associated with that business.

### **25.7.5 Reviews in connection with Public Nuisance**

An application for review by responsible authorities or any other person may be applied for where:

- Complaints have been received that have been substantiated by investigating officers; and/or
- Breaches of licence conditions in respect of public nuisance have been identified; and/or
- Action is being considered under the Environmental Protection Act 1990, the Noise Act 1996 or section 40 of the Anti-Social Behaviour Act 2003; and/or
- Evidence of noise, litter, odours etc from the premises has caused a public nuisance over a period of time, and other approaches have failed.

## **25.8 PROTECTION OF CHILDREN FROM HARM**

The Council is committed to the safeguarding of children and vulnerable persons. The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.

In exercising the Council's powers under Section 182 of the Act to designate a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

Having regard to the above principles and the guidance issued by the Home Office, the Council designates the Surrey County Council Children's Service for this purpose.

There are a great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, cafes, take-aways, community halls and schools, all of which will have different risks to children. The general relaxation that gives children greater access to licensed premises is a positive step, which aims to promote more family friendly premises. However the risk of harm to children is equal in importance to the other licensing objectives and applicants must include in their operating schedules the steps they propose to take to prevent moral, physical, or psychological harm to children.

When considering applications for new licences and variations to existing licences, the Council will seek to be assured that applicants have considered safeguarding of children and vulnerable persons within the Operating Schedule of the application. Where alcohol is to be sold, applicants should include details of the measures they propose to prevent its supply to children. It is expected that:-

- staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.
- registers of refused sales will be maintained and made available for inspection
- Applicants should indicate whether they are signatories to the Portman Group Code of Practice.

Further additional examples of recommended management practice for the protection of children could include:

- exclusion from the premises in certain circumstances;
- the display of prominent warning notices about the supply of alcohol to minors.;
- consideration of and / or refusal to stock high strength beers, lagers, ciders, etc.

It is now mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

Applicants needing advice on how to avoid age-restricted sales should contact Surrey Trading Standards Service (contact details at **Annex 2**) before preparing their operating schedules.

There are certain restrictions in the Act relating to the presence of children on licensed premises. In the case of premises, which are used “exclusively or primarily” for the supply of alcohol for consumption on those premises, it



is an offence to allow anyone under the age of 16 to be on such premises unless they are accompanied by an adult.

Where the consumption of alcohol takes place but is not the exclusive or primary activity at a particular venue, those under 16 are not allowed on the premises between midnight and 05.00 unless an adult accompanies them.

The licensing authority will not seek to further limit the access of children to any premises unless it receives representations to that effect based on concerns about physical, moral, or psychological harm to children. The following are examples of premises that will raise particular concern:-

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where there is a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where “adult” entertainment is being proposed.

Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- the person they are selling alcohol to is over 18;
- that alcohol is only delivered to a person over 18;
- that a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer;
- the time that alcohol is sold on the website / over the phone and the time; and
- that the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

### **25. 8.1 Children and film exhibitions**

The licensing authority will expect applicants to explain in their operating schedules how they will restrict children from viewing age-restricted films. It is a mandatory condition on all premises licences that permit the exhibition of films that admission of children must be restricted in accordance with any recommendation by the relevant film classification body. Films are classified according to the recommendations of the British Board of Film Classification (‘BBFC’) or the Council.

### **25.8.2 Children and public entertainment**

Where a large number of children are expected to attend regulated entertainment (e.g. theatre production or film shows), the Licensing Authority would normally expect the applicant to demonstrate, in their operating schedules, the arrangements they intend to put into place in order to ensure their safety, examples could include:-

- that children performing at premises such as theatres or concert halls are kept under adult supervision at all times, including transfer from stage to dressing room.
- that children can be accounted for at all times, in case of evacuation or emergency.
- that an adult member of staff be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- if necessary, no standing to be permitted in any part of the auditorium during the performance
- that all staff employed to supervise children should be subject to an enhanced Criminal Records Bureau (CRB) check. Where relevant, unspent convictions are found the licensee should not employ such a person.

### **25.8.3 Reviews in connection with protection of children from harm**

An application for review by the responsible authorities or any other person may be considered where:

- There have been underage sales or underage drinking taking place
- Breaches of licence conditions in respect of protection of children have taken place
- Complaints have been received that have been substantiated by investigating officer

## **25.9 Public Health**

The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

1. Home (<https://www.gov.uk/>)
  2. Alcohol licensing: using case law (<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law>)
1. Public Health  
England (<https://www.gov.uk/government/organisations/public-health-england>)

Guidance

## Alcohol licensing: using case law

Published 13 March 2017

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## 1. Case law and the Licensing Act

## Appendix S

The Licensing Act 2003 is the Act of Parliament that establishes the statutory framework for regulating licensable activities in England and Wales. When cases are brought before the courts, the decisions can help us to interpret the Act.

When a case is decided by the courts the decision can provide an example of the interpretation of the Act. This can then be used to guide other committees and courts when they are making decisions on cases with similar facts.

It can be helpful for public health teams contributing to a new case to look at previous decisions and to understand the judgments that have been passed down. This can help you to make a more convincing case.

As a rule, the higher the court, the more weight a judgment carries. For example, a decision in a magistrates' court may be persuasive but a decision in the Court of Appeal will be binding. This means that another committee or court can consider the judgment from the magistrates' court and decide differently, but they must follow the decision of the Court of Appeal.

When you are relying on the decision in a particular case it is important to refer to the judgment itself rather than commentary, because commentators can interpret the judgment in different ways – it is always best to quote what the judge actually said.

Case names will be set out as 'the name of the party that brought the claim' versus 'the name of the party that the claim was against', followed by the year, then the court it was brought to and the case number. This is known as a 'neutral citation', and will help you find the judgment.

For example, R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 31 indicates that in 2011 Hope and Glory Public House Ltd brought a claim against Westminster Magistrates' Court which was heard in the Civil Division of the Court of Appeal of England and Wales, and was the 31st case of the year.

There have been many cases decided by the courts since the Act came into force, but those described below are most frequently relied on.

## 2. The British Beer and Pub Association v Canterbury City Council

The British Beer and Pub Association, The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council [2005] EWHC 1318 (Admin)

This is an important case looking at what Licensing Authorities can and should include in their Statements of Licensing Policy. This case would be most relevant when you are involved in updating your local policy.

Mr Justice Richards said:

A policy ... not only guides the decision-maker but also serves to inform an applicant about what he should consider in preparing his application... An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions.

And:

The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an applicant can legitimately complain if the council takes account of those expectations gives rise to representations...An applicant who does not tailor his application to the policy therefore faces an uphill struggle.

Appendix S

Responsible Authorities should be encouraged by this case to take an active role in the preparation and drafting of Statements of Licensing Policy, because these policies are an important tool in shaping the activities that take place in each vicinity. A well drafted policy gives a strong and clear basis for representations on individual matters and helps licensing committees make robust decisions.

The full judgment is available on the Licensing Resource  
(<http://www.licensingresource.co.uk/sites/all/files/la2003/bbp.pdf>).

### 3. Hope and Glory Public House v City of Westminster Magistrates' Court and Others

R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312

This case, referred to as 'Hope and Glory', is essential reading for Responsible Authorities and licensing committees. It is relevant to most hearings.

The decision is important because it:

- illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation
- confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises
- sets out the approach that should be taken when making licensing decisions

Lord Justice Toulson said:

Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.

Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.

Responsible Authorities should be encouraged by this decision to make representations so that their information can be taken into account, and appropriate measures put in place for the licensing objectives to be promoted.

The full judgment is available from the British and Irish Legal Information Institute  
(<http://www.bailii.org/ew/cases/EWCA/Civ/2011/31.html>).

### 4. Daniel Thwaites plc v Wirral Magistrates' Court and Others

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin) Appendix S

This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them.

This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations. It is most relevant when opposing grant applications.

The Honourable Mrs Justice Black said:

[D]rawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.

The approved judgment is available from Guildford Council ([https://www.guildford.gov.uk/media/10669/Item-27%E2%80%9420Thwaites-Casepdf/pdf210\\_1.pdf](https://www.guildford.gov.uk/media/10669/Item-27%E2%80%9420Thwaites-Casepdf/pdf210_1.pdf)).

## 5. Murco Petroleum Ltd v Bristol City Council

R (on application of Murco Petroleum Ltd) v Bristol City Council [2010] EWHC 1992 (Admin)

This case is important because it confirms that licensing committees and courts can require applicants to provide any information that they believe will help them make a decision about the promotion of the licensing objectives. It is relevant to most hearings.

Responsible Authorities should be encouraged by this case to ask applicants to provide further information they believe will help them understand the application more fully. If that information is not provided by the applicant, Responsible Authorities can make representations to committees who have the power to require the request is met.

Mr Justice Cranston said:

The sub-committee [has the power] to ask a question of a party, where the question is calculated to elicit an answer which will facilitate the function of considering and adjudicating upon the relevant question

The full judgment is available from the British and Irish Legal Information Institute (<http://www.bailii.org/ew/cases/EWHC/Admin/2010/1992.html>).

## 6. East Lindsey District Council v Abu Hanif

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) 2016

In this case, the High Court upheld the Licensing Committee's decision to revoke a premises licence where the licensee had employed an illegal worker.

The significance of the case is that it reaffirms the principle that Responsible Authorities need not wait for the licensing objectives to actually be undermined before objecting to a licence being granted. This Appendix 3d be most relevant when opposing a grant application.

Commenting on the way committees and courts should approach the promotion of the licensing objectives, Mr Justice Jay said:

[T]he prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

The full Judgement is only available from subscription services such as Westlaw (<http://login.westlaw.co.uk/maf/wluk/app/authentication/formLogin>) or Lawtel (<https://www.lawtel.com/Login?ReturnUrl=%2f>).

## 7. General principles proven in case law

There are also cases that do not directly relate to the Licensing Act but provide general principles that are relevant.

### 7.1 R (on application of Westminster City Council) v Middlesex Crown Court and Chorion plc (2002) EWHC 1104 (Admin)

This case is important because it sets out the approach that courts on appeal should take where a council has a policy. Responsible Authorities should be encouraged by this case to help shape their council's licensing policy so that it sets out a strategic approach to promoting the licensing objectives in their particular area. A clear policy will provide a strong basis to impose conditions, refuse licences and so on, which should then be upheld by the court on appeal because the reasons for the conditions or refusals will be well-founded and readily understood. It would be most relevant when updating Statements of Licensing Policy.

Mr Justice Scott Baker said:

It must accept the policy and apply it as if it were standing in the shoes of the Council considering the application.

The full judgment is available from the British and Irish Legal Information Institute (<http://www.bailii.org/ew/cases/EWHC/Admin/2002/1104.html>).

### 7.2 Stepney Borough Council v Joffe [1949] 1KB 5997

This case, alongside Sagnata Investments Ltd v Norwich Corporation [1971] 2 QB 614, is important because it has long established the principle that the court on appeal should only overturn a decision where it is wrong. This would be most relevant in appeal hearings.

[On appeal the Court ought] to pay great attention to the fact that the duly constituted and elected local authority have come to an opinion on the matter and ought not lightly, of course, to reverse their opinion. It is constantly said (although I am not sure that it is always sufficiently remembered) that the function of a court of appeal is to exercise its powers when it is satisfied that the judgment below is wrong, not merely because it is not satisfied that the judgment is right.

This means that although appeals are re-hearings, the onus is on the appellant to persuade the court that the decision being appealed is wrong – not for the council to persuade the court that the decision is right. Responsible Authorities should provide the council with any information they believe is relevant to place before the court on appeal, so that the court can make a fully informed decision.



## 8. An example of using case law in a representation

Appendix S

This is an illustrative example of how you may wish to refer to the case law above in your representations to licensing committees:

The premises are not yet trading so the Licensing Objectives have not yet been undermined; but I believe that it is likely they will be undermined if the licence is granted.

In the case of *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)*(2016) Mr Justice Jay said:

[T]he prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

I believe that the fact the premises are proposing to sell alcohol and play music 24 hours a day in a residential area means it is likely that there will be nuisance caused to residents through late night noise and anti-social behaviour. Having regard to the existing levels of alcohol-related crime and anti-social behaviour, I believe that this will be worsened if this application is granted.

This guidance has been produced by Lawyers in Local Government and Public Health England, and is intended to give a brief overview of the case law most relevant to the Licensing Act. It does not constitute legal advice, and should be used as a guide for more detailed consideration of the cases depending on the individual facts in question.

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# Premises Licences

Listen

Premises licences authorise any premises to be used for one or more of the licensable activities.

The 'licensable activities' include one or more of the following:

- the sale and supply of alcohol
- the provision of regulated entertainment (this includes live and recorded, plays, films and sports tournaments)
- the provision of hot food and drinks between 11pm and 5am

## Who can apply for a premises licence?

Any person who is aged 18 or over and who is, or is proposing to, carry on a business which involves the use of premises for licensable activities may apply for a premises licence either on a permanent or time-limited basis.

If you intend to sell alcohol then you will also need one or more people to have personal licences

## Apply online

You can apply online for a premises licence

- [Alcohol licensing](#)
- [Application for a premises licence](#)
- [Application to vary a premises licence to specify an individual as designated premises supervisor](#)
- [Application to transfer premises licence](#)
- [Application to vary a premises licence](#)
- [Consent to be designated](#)
- [Consent to transfer](#)
- [Application for a minor variation to a premises or club licence](#)
- [Notification of change of name or address](#)
- [Provisional statement](#)
- [Request to be removed as a designated supervisor](#)

## Apply by post

Your application must include:

- completed application form

- [Application for a minor variation to premises or club premises certificate under LA 2003 \[97.29KB\]](#)
- [Application to vary a premises licence under the Licensing Act 2003 \[106.93KB\]](#)
- [Application to vary a premises licence to specify and individual as DPS under LA 2003 \[131.5KB\]](#)
- [Application to vary a club premises certificate to be granted under the Licensing Act 2003 \[121.28KB\]](#)
- [Application to transfer a premises licence to be granted under the Licensing Act 2003 \[277KB\]](#)
- [Application for a premises licence to be granted \[137.43KB\]](#)
- [Consent of individual to being specified as premises supervisor \[173KB\]](#)
- consent form for the proposed designated premises supervisor (if the premises are selling or supplying alcohol). The designated premises supervisor must hold a personal alcohol licence
- a plan of the premises to the prescribed format
- the statutory fee based on the rateable value (see the [Valuation Office Agency website](#))
- a copy of the entire application (without the fee) must be sent to each of the responsible authorities

## Advertising

You need to advertise the application during the representation period.

The window advertisement must be displayed on the outside of the property on light blue A4 (or larger) paper. The advertisement must be displayed for 28 consecutive days starting the day after the application is submitted to the licensing unit.

The newspaper advertisement needs to appear at least once in a local newspaper within ten working days of the application being submitted. The applicant is responsible for sending a copy of the advertisement to the Licensing Team.

## Will tacit consent apply?

Yes. This means that you will be able to act as though your application is granted if you have not heard from the local authority by the end of the target completion period, provided the application was correctly made.

**Note:** The application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 asks the licensee to give a copy of the form to the existing premises supervisor. The completed form contains personal information about the proposed new DPS and sharing this information would be in breach of the Data Protection Act 1998. It is sufficient for the licensee to inform the DPS that the application has been made, without the need to share the specific details of the application. A full copy of the application form must still be sent to police. The form will be amended via regulations as soon as possible to make this clear.



**Fora Restaurant**  
**13-15 High Street, Staines**  
**Premises Licence Application**

**Additional Information**  
**for the**  
**Licensing Sub-Committee**

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## Background and Purpose

The purpose of this document is to provide the Sub-Committee with an overview of the applicant, Mr Sadettin Guler, his business, and the steps leading up to this hearing.

13-15 High Street, **Fora Staines**, is the latest addition to the exclusive Fora restaurant collection, accompanying Fora City, located in the City of London, and Fora St John's Wood.

Fora restaurants specialise in food largely the heritage of Ottoman cuisine; a fusion and refinement of Central Asian, Middle Eastern, Mediterranean and Balkan dishes.

The restaurant interior design echoes ancient Ottoman traditions; sophisticated and luxurious; reflective of both the style and ambience within the restaurant, and the type of clientele the restaurant aims to attract.

Mr Guler is a restaurateur with vast experience and Fora is a very special dining experience indeed, offering all-day eating and authentic cooking at an exceptional price.

As such, Fora restaurants quickly gain a reputation for providing exceptional food, service and experience, with VIP treatment afforded to customers as standard.

Fora Staines is no exception, and in the short time it has been operating Mr Guler has already taken bookings from customers wishing to book the entire restaurant for celebrations a year ahead. Further information about the customer experience and feedback is provided further on.

A Fora restaurant is a valuable addition to a high street, providing an attractive alternative to the common 'brand' premises that have become all too familiar a part of UK high streets and retail environments.

## 13-15 High Street - The Premises' History

As the Sub-Committee will likely be aware, 13-15 High Street, Staines has a colourful, or some might say troubled, history.

Having previously been licensed as a nightclub, used as a karaoke bar and, regrettably, used for illegal drug activity due to the layout of the premises and multitude of corridors and exits, its licence was revoked.

Therefore, to provide the regulatory authorities with the absolute assurance that the premises can only move forward on a professional footing, this licence application was written with a detailed operating schedule, formalising high standards of practice, at the outset.

## New Chapter

Dating back to the 1700s, the building was deserving of a quality makeover however, unlike other restaurants owned by Mr Guler, which already had existing licences, this premises needed licensing from scratch.

Mr Guler has never had to acquire a premises licence before and, as one might expect, had no experience of the legislative processes. However, he considered this very special building, with all its architecture, history and potential, to be worth the time, effort and investment so he undertook to develop the premises.

So far Mr Guler has invested around £165,000 in a high-quality refurbishment of the premises and the launch of the business.

The development and launch of the Fora Restaurant has drawn a line under the previous negative history of the building and paved the way for a positive future for both the building and business in the High Street of Staines.



## Application Process

The application before the Sub-Committee is the second such application to be submitted for this premises in recent months.

As an experienced restaurateur, Mr Guler's talents lie in providing exceptional food and customer service, so in October 2019 he appointed a professional planning and licensing consultant to manage the process of obtaining all the necessary authorisations.

Mr Guler may have no experience of licensing processes, but he understands the importance of succession planning and developing future managers. So, being a dedicated family man and wanting to develop the business to include his nephew, a talented chef, he afforded his nephew, Gurhan Cetin, the honour of being the applicant for the restaurant's premises licence.

Mr Guler believed he was engaging the services of a reliable and professional individual as Mr Halit Ertas had a wealth of experience of making licensing applications in other areas of the UK.

Mr Guler paid Mr Ertas the fees he required and trusted that the process was being undertaken correctly. He had no reason to doubt the skills and abilities of the consultant.

The original application was submitted on 19 October 2019, but for reasons that are unknown, only became valid on 28 November 2019. The last day for representations was 26 December 2019.

On 3 January 2020, having received no representations opposing the application, the Licensing Team contacted Mr Ertas and confirmed that the licence was granted.

As the grant of a premises licence under the Licensing Act is 'tacit' if no representations are received, and the Licensing Team had confirmed the licence was granted, the restaurant confidently commenced selling alcohol while awaiting receipt of the licence.

The Licensing Team also confirmed that there would be a delay with the grant of the licence due to an ongoing IT issue within the Council. This meant the absence of the licence in the coming days did not cause any concern for the restaurant staff or applicant.

Also on 3 January 2020, the Licensing Team confirmed they would be unavailable for a period of 10 days and would not be back in the office until 13 January 2020. This did not present a problem as, having been advised that their licence was granted they could commence trading while awaiting the licence.

Following the telephone conversation on 3 January 2020, after confirming that the licence was granted, the Licensing Team then emailed the consultant to request a copy of the newspaper advert – a prescribed requirement of the application procedure.

## **Unlicensed Activities**

On returning to the office on 13 January 2020, and having received no copy of the advert from the consultant, the Licensing Team then sent messages, via a mobile phone app called 'WhatsApp' to the agent.

On 14 January 2020, 19 days after the end of the consultation period and 11 days after confirming that the licence was granted, the Licensing Team identified a mistake with the application process, dating back to 8 December 2019, that had resulted in the application being invalid.

The unlicensed sale of alcohol between 3 and 14 January 2020 had occurred due to the Licensing Team failing to check that the prescribed process had been complied with and prematurely confirming, by telephone on 3 January 2020, that the licence was granted.

Following this discovery, on 14 January 2020, a telephone call was made to Mr Gurhan Cetin, the applicant, advising him that the original application was invalid, and that the restaurant had no licence to sell alcohol.

A timeline of events is provided below:

The 28<sup>th</sup>, and final, day of the consultation period was 26 December 2019.

The application was invalid on day 10 of the consultation period – 8 December 2019 – as the newspaper notice had failed to be published within the first 10 days of the consultation period.

In summary:

- a) If the last day for representations was 26 December 2019, then it stands to reason, with the consultation period being 28 days, that the application must have been declared valid on 28 November, with the consultation period commencing on 29 November 2019.

It is unclear why the application, dated 19 October 2019, was not valid until 28 November, but one must assume from the information in the representation that was the case.

- b) **8 December 2019** – the deadline for publication of newspaper public notice, by day 10 of the consultation period;

As the newspaper advert was not published by day 10, from 8 December 2019 the original application was invalid.

- c) **12 December 2019** (4 days after the application was invalid) the Licensing Office query details in operating schedule/conditions;
- d) **3 January 2020** – Licensing Office requested a copy of the advert (8 days after the consultation period had ended and 26 days after the application was invalid);
- e) **14 January 2020** – Licensing Office contacted the applicant to confirm the application was invalid - 37 days after the application had become invalid.



You will see in the representation (paragraph 1 on page 2) that having failed to successfully comply with the application process – an administrative failing – the applicant was then advised (threatened) that he would face representations if he made any further application.

Having invested £165,000 on the business and a full refurbishment of the premises, for the Licensing Authority to make such a threat with no evidence of any offences, caused considerable alarm. Given that the consultant had been trusted to manage the process and this news came like a bolt out of nowhere.

In fact it is not clear why the Licensing Team stated that making a further application would result in the Licensing Office submitting a representation, as the natural course of events when an administrative failure occurs, one might expect, would be to assist the applicant to learn from their mistake and submit a correct application.

Neither the original applicant, Mr Cetin, or the current applicant, Mr Guler, had committed any offences at this time; nor had they knowingly breached the provisions of the Licensing Act. Surely where there is a failure to achieve the required level of compliance, the correct course of action is to review, learn, apply lessons to improve and raise standards, and achieve the desired standard.

Threatening an applicant with the promise of a representation, after a catalogue of confusion and errors arising from a previous application, in a different person's name altogether, does not seem to be in the spirit of the Licensing Act, where the intention should be to encourage safe, legal and compliant operation.

It had become clear that, at Mr Guler's considerable expense, that despite paying all requested fees, the consultant had failed to comply with the legal prescribed process, without bringing this to the applicant's attention, and had therefore failed to obtain the licence, leaving the restaurant unable to operate fully.

It had also become clear that, due to the threats of the Licensing Office, a representation was to be expected if Mr Cetin re-applied, therefore the submission of a further application would need not to be in Mr Cetin's name.

In the letter to Sadettin Guler that followed, provided as an appendix, in the second bullet point you will see that the Licensing Officer stated they had acted '*in good faith*' in trusting that the advert had been correctly placed.

As the Licensing Act 2003 does not make provision for exercising 'good faith' in respect of compliance with the prescribed legal process, and as the consultant had not provided evidence of the advert publication, it would seem that the telephone call confirming that the licence was granted was made prematurely and added further confusion to the situation.



## Offences

After the failure of the appointed consultant to obtain the licence, it then came to light that after a meeting at the restaurant with Licensing Officers on 15 January 2020, the restaurant manager at that time, Mr Mulayim, had failed to comply with the instruction of the Licensing Officers and Police and had sold alcohol to customers at a time when a licence was not in force.

This occurred on 15 January 2020, after the meeting had concluded.

For clarification, Mr Mulayim was present, with Mr Guler, at the meeting with Licensing and Police, so Mr Guler had no reason to doubt that Mr Mulayim understood the instruction to cease selling alcohol. The instruction had been received first hand from the Licensing Authority and Surrey Police and should, therefore, have needed no further reinforcement.

After the disappointment of being let down by the consultant, this was a further devastating blow, both to Mr Guler and the entire team at the restaurant. Mr Guler had appointed a Manager, Mr Soner Mulayim, whom he believed would be an asset in building and developing the restaurant to be a

safe, legal and compliant premises, however it transpired that Mr Mulayim's actions on 15 January 2020 had undermined and risked the entire business.

The Licensing Team will provide full details of the offences committed on 15 January 2020, which we do not wish to prejudice. However it is worth confirming that the sales made on 15 January 2020 were made in the same manner and to the same legal standard as all the sales between 3 January and 14 January 2020, the time the Licensing Team had confirmed that the licence was granted.

The two occurrences of unlicensed activity that took place were 11 days trading under the assurance of the Licensing Officers that the licence was granted would be sent when the ICT fault had been fixed, and the sales that took place by Mr Mulayim on 15 January 2020.

Mr Guler has not, at any time, attempted to play-down the fact that the sales took place, and he has made every conceivable effort to take personal responsibility for every aspect of correcting the situation and ensuring the safe, legal and compliant operation of business.

## **Further developments**

At this stage, we are concerned solely with providing a full account of the actions that Mr Guler has taken, following the aforementioned unfortunate sequence of events, to rectify the damage to the restaurant, restore the trust of the authorities, rebuild his reputation and restore the morale of the team.

Recognising the seriousness of the circumstances, he immediately sought the advice of a highly recommended Licensing specialist who he was assured he could trust to provide solid, correct and accurate advice. The specialist advising Mr Guler and managing this application process is Reba Danson, former Licensing Officer of this and a number of other UK Licensing Authorities and former Group Licensing Manager for the largest late night entertainment operator in the UK.



Mr Guler also engaged the services of his business consultant, upon whom he knew he could rely, Mr Marcos Sebastien, to support him in his efforts to work through the issues that both he and the business faced.

Reba Danson set out her expectations at the outset and made clear that her philosophy is to educate, motivate and inspire operators to achieve the highest level of compliance to create safe, legal and compliant businesses. Her approach goes far beyond simply obtaining a licence.

In addition to providing practical administrative support with the licensing application, Reba has worked holistically with Sadettin and Marcos, with the focus being to resolve any compliance issues by implementing a comprehensive overhaul of the licensing regime to achieve compliance levels that are second to none.

Some examples of the bespoke operating documentation Reba wrote to support licence holders is appended to this document for information.

## **Crime and Disorder – Surrey Police**

The authority responsible for enforcing the act in relation to the Licensing Objective of “the prevention of crime and disorder” is the Police.

During the consultation period Reba communicated with the Surrey Police Licensing Officer through the Licensing Team, however, toward the latter end of the consultation, after it became clear that the Licensing Authority had made its mind up that a representation would be submitted and improvement was of no consequence, she liaised directly with the Police Licensing Officer on Mr Guler’s behalf.

We are delighted to confirm that Surrey Police have made clear that they are entirely satisfied with the licence, the operating schedule and the measures taken to remedy any failings and that the Police Licensing Officer stated that any further actions would be disproportionate.

Surrey Police were satisfied that Mr Guler, the owner of the company, taking personal responsibility for the licensable activities by appointing himself as DPS, was as much as could be expected or requested to ensure that further offences would not be committed.

The Surrey Police Licensing Officer also went as far as saying that the licence application and operating schedule goes over and above what would normally be expected on a restaurant licence and the transformation that has been achieved is impressive. Surrey Police therefore recognise the improvements that have been made and no longer have any doubts about the levels of compliance at the premises.

This means the owner of the company, and operator of two other highly successful restaurants, personally managed the premises until a new full-time manager/DPS could be found.

In respect of Mr Guler's other restaurants, it may be an appropriate juncture to advise the Sub-Committee that Mr Guler has an exemplary record of compliance with both and has received no complaints regarding any aspect of the operations.

## **New Manager**

Mr Guler confirmed that his appointment as DPS was a temporary arrangement while a full-time manager could be recruited and no time has been wasted in delivering on that commitment.

We are delighted to inform the Sub-Committee that a manager has now been appointed and a DPS consent form is available to be submitted to the Licensing Team for the appointment of Mr Sahin Koc as DPS, should the Sub-Committee be persuaded by the information presented and minded to grant the licence.

Mr Koc is an experienced restaurant manager with a proven record of accomplishment of leading and motivating teams and operating restaurants to the highest standards of service, compliance and experience.



Surrey Police will of course screen Mr Koc prior to his appointment, but Mr Guler and Mr Sebastien can assure the Sub-Committee that they have appointed Mr Koc as they have every confidence that he is able to take the restaurant forward on the surest of footings.

## Interventions

The measures taken since the submission of the application include, but are not limited to:

### ***DPS***

Mr Guler has removed Mr Cetin from being DPS and appointed himself as DPS on the licence.

While he was keen to involve his nephew in the business it became clear that until a manager was appointed, the right thing for Mr Guler to do was make himself the responsible person; responsible for staff appointments, for staff training and for overseeing licensed activities operated under the authorisation of Temporary Event Notices.

### ***Staff Training***

Every member of the team with responsibility for being in the front of house area/restaurant has completed one-to-one training in a supportive and conversational manner to ensure they fully appreciate and understand the requirements of the Licensing Act 2003 and their responsibilities under it.

The staff training proforma is provided as an Appendix to this document.

Once the staff training proforma is completed and signed by the member of staff being trained and the person delivering the training/information, crucially, the member of staff receives a copy of their signed training form to keep so they are able to refresh and review the information at their leisure.

They also have an opportunity to discuss the requirements and ask questions to ensure they fully understand how the regulations apply within the restaurant.

This training will be completed prior to any delegation of authority by a Personal Licence Holder and refreshed at regulated intervals thereafter.

### ***Personal Licence Holders***

Following the meeting with Licensing Officers and Surrey Police, a proposed condition was voluntarily added to the application to require at least one personal licence holder to be on the premises at all times that licensable activities are taking place.

On 31 January 2020, in an email to the Licensing Team sent by Reba Danson, Mr Guler did not hesitate to offer this condition as a way of reassuring the Police and Council that a trained and authorised person would be on the premises at all times to oversee all sales of alcohol.

Although the Personal Licence holder's authority may still be delegated, it means a qualified person is on the premises to take responsibility and, importantly, support junior or less experienced members of staff by taking key decisions – such as refusing sales.

Since this amendment, Mr Guler has already employed two further personal licence holders, a restaurant manager, and has identified two existing members of his full time staff who will be attending a Level II BIIAB Personal Licence Course and obtaining their own personal licences.

This will increase the resilience of the restaurant staff and ensure an almost unprecedented level of knowledge and qualification within the restaurant, with there being 6-7 personal licence holders on the full-time staff.

### ***Removal of Manager***

Investigations revealed that the unlicensed activity that occurred on 15 January 2020 was due entirely to the actions of the restaurant manager, Mr Soner Mulayim.

One could of course take the view that Mr Guler, the owner, appointed Mr Mulayim into the role of Manager and therefore he is ultimately responsible for the instances of non-compliance.

However, if we look at the structure of the Licensing Act 2003 we see mechanisms of the Act itself are designed to operate on the basis of trust.

For example:

- A) The authority of the Personal Licence Holder may be delegated to a non-personal licence holder on the basis of trust; that the non-personal licence holder is trusted to comply with the requirements of the Act.

Of course, there are, unfortunately, circumstances all the time where a personal licence holders' trust is abused and they have to fire individual who ignores or flouts the legislation.

- B) The Temporary Event Notice system works on the basis that a person with no qualification, no experience and no licensing history may submit a notice and conduct licensable activities using basic common sense and good judgement.

The vast majority of events will pass without drama, but Police and Licensing Officers encounter instances where Temporary Events go wrong through inexperience, ignorance or disregard for the legislation.

The appropriate response of the authorities would not be to ban further events entirely, but rather to work with the event organiser to support them in learning from the experience and rectifying their failings to operate safe, legal and compliant events in future.



While Mr Guler fully appreciates the seriousness of the breaches that occurred on the 15<sup>th</sup> January, we would like to suggest that a realistic or reasonable approach would be to consider the restaurant activities through a similar lens.

There are many high risk, high responsibility roles in life and people have to be trusted and given the opportunity to perform to the expected level.

Selling alcohol is a high risk activity and must of course be conducted, at all times, in accordance with the law, but where a mistake is made or non-compliance is found, the Licensing Act promotes licensees and regulated authorities working together to resolve issues and achieve high levels of compliance and create safe, legal and compliant premises.

Where the licensee demonstrates their clear commitment and determination to improve and achieve desired compliance levels, which Mr Guler has done repeatedly in both words and actions taken to increase the rigour of his application, we would have expected the Licensing Authority to recognise the significant steps taken and provide such an opportunity with the grant of the licence.

Mr Mulayim had never presented any reason for Mr Guler not to trust him in the past, and his experience gave Mr Guler every reason to believe that he would be a successful manager. It is a tremendous shame for all involved that that didn't prove to be the case but, the trust Mr Guler placed in Mr Mulayim is not dissimilar to the trust (good faith) that the Licensing Team placed in the original consultant – having assumed he placed the advert correctly.

In response to the unfortunate circumstances, Mr Guler removed Mr Mulayim from the restaurant and ended all association. To demonstrate that this is a permanent and sincere decision, upon which the authorities can rely, on 31 January 2020 Mr Guler also proposed, by email from Reba Danson to the Licensing Authority, to formalise the requirement in a licence condition.

### **CCTV**

There was initially some uncertainty about the operation of the CCTV system at the restaurant and so full CCTV training has been conducted to ensure that:

- a) the system is operated and maintained in accordance with the proposed licence condition;
- b) there is always a fully competent member of staff on the premises able to operate the system; and
- c) the staff understand the importance of making footage available to Police of Licensing Officers on request.

## Operating under Temporary Event Notices

To limit the considerable financial damage to the business, during the 28-day consultation period Mr Guler has made use of Temporary Event Notices to conduct licensable activities on a limited number of days each week.

Referring to the email thread attached as an appendix, the Sub-Committee will see, highlighted in yellow, that on 28 November 2019 Principal Licensing Officer Rob Thomas stated:

***“In terms of your point about the TEN relating to a Premises Licence application – yes the two forms are considered separately. But obviously any repercussions from one (or the general operation at the site) will have a bearing on the determination of the other.”***

Therefore, operating under Temporary Events Notices should have provided an opportunity to demonstrate to the authorities that, under Mr Guler and his associate Mr Sebastien’s leadership, the restaurant is, and will continue to be, operated to an exceptional standard of compliance.

The entire Team was trained to operate to the same level of compliance denoted in the premises licence application, even though the authorisations were Temporary Event Notices.

This standard of compliance was achieved, despite the licence not being in force, as a clear demonstration to the Licensing Office and Police that lessons had been learned, action had been taken and all failings had not only been

corrected, but the requirements of the Licensing Act had been fully embraced and incorporated into the business at every level.


Mr Guler and Mr Sebastien have fully embraced the advice and guidance of Reba Danson, taken and acted upon every recommendation, and dedicated themselves to working with the Fora Staines Team to completely review and overhaul all practices.

On, 28 November 2019, the Principal Licensing Officer stated in the email that ***the operation at the site under Temporary Event Notices WILL have a bearing on the determination of the premises licence***, however, since the submission of this application, on 22 January 2020, the applicant has completely overhauled all operations at the premises and operated to the highest possible standard of compliance, yet this appears to have been completely ignored and disregarded.

In this instance, it appears the manner operation under TENs has had no bearing at all.

Conversely, the level of improvement and impressive standard of compliance – as stated by the Surrey Police Licensing Officer – has been noted by Surrey Police, hence no objection to the application being received.

Fora, Staines



Clark, Jacquie 9143 <Jacquie.Clark@surrey.pnn.police.uk>  
To: 'Licensing'; 'Reba Danson'


Reply

Reply All

Forward

...

Wed 26/02/2020 10:4



You replied to this message on 26/02/2020 11:39.

Hi,

For information yesterday I had a member of police staff enquire as to why you can only get alcohol with your meals sometimes (weekends) in this premises, but that during the week you can bring your own alcohol to the location, but are not able to purchase any in the restaurant. He was informed of this by a regular customer who lives in the Staines area.

I explained the position to him re their TENS, but thought I would let you both know as it demonstrates, that the staff are complying with their restrictions.

Kind Regards

Jacquie Clark 9143  
Licensing Enforcement Officer  
Community Safety Team Northern  
Tel: 01483 631146  
Address: Surrey Police, PO Box 101, Guildford GU1 9PE



If the Sub-Committee could have regard to email above, we would like to elaborate and explain that Mrs Clark sent this email to provide positive feedback, because during the consultation period, and thereafter, the restaurant has operated using Temporary Event Notices for a few days at weekends, but the remainder of the time have invited customers to bring their own alcoholic drinks to enjoy with their meals.

The process of managing this arrangement has been faultless, with an alcohol register being kept, and the fridge storage and labelling system being employed to ensure people received the correct drinks and were able to take home anything that remained at the end of their evening.

Quite understandably, the local Police Officers were confused by hearing rumours of the sale of alcohol on some days and not others and contacted the Licensing Officer to question the arrangement.

This was of course extremely welcome feedback, as it demonstrated that the premises was complying fully with the temporary event notices and that word of this arrangement was spreading.

Mr Guler and his staff have been managing the situation this way to limit the detrimental effect on the premises and its reputation.

It may be worth noting, that despite all the improved practices, additional conditions, removal of staff and exemplary level of compliance, the Licensing Authority has neither conducted an inspection nor submitted counter-notices to object to any of the 6 TENs submitted since 15 January.

If the Licensing Authority believes Mr Guler presents such a serious risk of the licensing objectives being undermined, it seems baffling that the same person selling alcohol at the same business, for the same hours and under the same conditions as proposed in the licence application, but under a temporary authorisation, has not received any objection or inspection at all.

## **Working with the authorities**

By e-mail on 31 January 2020, as well as offering to formalise some additional requirements in licence conditions, we also asked for any further recommendations that the Licensing Officers or Police might consider appropriate.

By 17 February 2020 the restaurant had operated for 12 trading sessions under Temporary Event Notices and had not been notified of any complaints or compliance issues during that time.

One visit had been conducted, during which the newly implemented processes outlined in this document, were not subject to inspection or review and the sole purpose of the visit appeared to be to collect CCTV of the offences taking place on 15 January 2020.

Having not received a response to the request of 31 January 2020, on 10 February, a further request was emailed, asking again for any recommendations that the Police or Licensing Team considered would be appropriate for the restaurant to reach the desired level of compliance.

The response received on 17 February 2020 made clear that the Licensing Authority would entertain no further negotiation or discussion, which prevented the remainder of the consultation period being used to find a satisfactory outcome.

## **Openness, accountability and transparency**

While not a point anyone wishes to labour, we would like to draw the Sub-Committee's attention to something we believe to be an important and indicative factor in this application process.

No one is excusing the actions of Mr Mulayim for a moment, however it is important to explain that as the licence, and therefore the conditions of the



licence, were not in force on 15 January, Mr Guler was under no obligation to provide the CCTV and receipts to the Licensing Authority or Police.

The fact is that Mr Guler maintains a positive and professional relationship with the authorities and respects that licensing compliance and safety is of paramount importance in civilised society.

As a businessman, employer and restaurant operator, that respect for standards of operation permeates everything he does and it is testament to his character and general standards of good business, that he co-operated fully with the Police and Licensing Officers.

He provided all the evidence requested to the Licensing Authority and Police and made no attempt to deny or hide any aspect of what had to have occurred.


He has fully accepted that there were lessons to learn, he has embraced the process of getting systems and procedures in place to ensure all the licensing and legal requirements are fully met and has co-operated in every respect with the authorities.

His honesty and accountability has led to this hearing, but, in doing so, it has also provided the Sub Committee with an opportunity to meet Mr Guler and see that he is keen to bring his business to Staines and contribute positively to the local economy and environment.

We hope that this co-operation and determination to work closely with the authorities to correct any failing and achieve high levels of compliance will be something the Sub-Committee will appreciate and welcome in Staines.


## Food Standards Agency Hygiene Rating

The search returned 1 items.

Name	Rating	Last inspection
<b>Fora</b> 13 - 15 High Street Staines-upon-Thames TW18 4QY	 A graphic showing a scale from 0 to 5. The number 4 is highlighted in a black circle, and the word 'GOOD' is written below the scale.	02 January 2020

PAGE 1 OF 1

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RESULTS PER PAGE:  
10 

### Four-Star Rating

The restaurant opened just after Christmas and within the first week of operation was inspected by the Council's Environmental Health Food Team.

It may be worth explaining that the layout of the restaurant is open plan and designed to be an entertaining and engaging customer experience. As such, the activities of the brigade of chefs at work, preparing food, may be observed by customers on two sides during the entire service.

Anyone watching the staff can see that excellent hygiene and best food practices are the norm. One simply cannot make their chefs and kitchen the centrepiece of the restaurant unless they are exemplary in every way.

The reason the restaurant failed to achieve the top star rating at the first inspection was that, in the disarray of the first week of opening, the staff were unable to lay their hands on a required Health and Safety record book.



This has of course been corrected, however an increase in the hygiene rating can only be achieved upon re-inspection.


## Social Media and Customer Feedback

The Sub-Committee may find it useful to see some of the reviews by visitors of the restaurant and the congratulatory comments at the arrival of our restaurant in Staines. We are nothing without our customers, so looking after them is of paramount importance.


Please see a selection of comments posted publicly on social media and online review sites below:

### Trip Advisor





  
Enhance this page - Upload photos!  
[Add a photo](#)



#### Ratings and reviews



**5.0**  13 reviews

#1 of 3 Mediterranean in Staines  
#16 of 58 Restaurants in Staines

RATINGS

 Food 

 Service 

 Value 


#### Details


CUISINES


Mediterranean

[View all details](#)


#### Location and contact

 13-15 High Street, Staines TW18 4QY England [↗](#)



 [Website](#) [↗](#)



 +44 1784 463978

[Improve this listing](#)



johneV6161UB


 6  1


 Reviewed 2 weeks ago  via mobile

#### Game changer for Staines?



I hadn't expected much but first visit to Fora Staines was certainly a pleasant surprise. Great food at reasonable prices as well as friendly and efficient service sets a new high standard for the local town. We will definitely be back soon.



**Date of visit:** February 2020

 Thank johneV6161UB



kimf933


 9  5


 Reviewed 2 weeks ago  via mobile

#### Outstanding!!!

By far the best meal I have had in a long time. Fabulous service - complimentary appetiser of bread, olives and dip. Really tasty and well cooked meals. Honestly can't rave about it enough - can't wait to go back!!

**Date of visit:** February 2020

 Thank kimf933



chrisv5377  
London, United Kingdom

10 2

Reviewed 1 week ago

### I'll be back

What a great place - I don't often do reviews but Fora certainly deserve a good one. Fora is quite a new addition to Staines so thought I'd give it a try and so pleased that I did. The food was wonderful, hot, fresh, very... [More](#)

**Date of visit:** February 2020

Thank chrisv5377



tailsintaz  
London, United Kingdom

72 11

Reviewed 2 weeks ago via mobile


### Brilliant additional to Staines

As other reviews have stated, the food is awesome here. Definitely a great add for Staines. Great service and great food. Will be back

**Date of visit:** February 2020

Thank tailsintaz

1 - 10 of 13 reviews



sureyam2016

1

Reviewed 4 days ago

### Birthday meal - superb

Went there last night with husband, being from a Turkish background I had high expectations and wasn't disappointed, the whitebait just like my Nan used to make, the lamb skewers were so succulent, service wasn't rushed and they made sure we had all we needed... [More](#)

**Date of visit:** February 2020

Thank sureyam2016



Liz G

34 6

Reviewed 5 days ago via mobile

### Brilliant venue for Staines

From the friendly welcome to the delicious food this restaurant is fabulous. Best falafel I've ever had. All the food was delicious. Can't wait to go back.

**Date of visit:** February 2020

Thank Liz G



Katarinasea  
Dallas, Texas

174 87

Reviewed 1 week ago

### Brilliant

So wish this restaurant .. with their staff and this Owner.. were near us .. One of the Best meals .. we have had.. and we just happened to be just walking by.. Atmosphere is lovely.. We had the Finest Turkish Wine.. We cannot say... [More](#)






**Date of visit:** December 2019





Mealey  
Surrey, United Kingdom

📅 97 🍴 53



Reviewed 20 January 2020

### Classy Place

The Fora is very nicely decorated, comfy chairs. The food is very tasty with generous portions. Service was great, smiling staff Not too expensive. Will be returning soon Very Soon

**Date of visit:** December 2019

🍴 Thank Mealey



SJBerkshire  
London, United Kingdom

📅 99 🍴 132



Reviewed 17 January 2020

### Lovely new restaurant in Staines - definitely worth a try.

We tried this new restaurant in December just after it opened on the recommendation of a friend. We were not left disappointed.... On entering the restaurant, the transformation from the old grotty pub was unrecognizable and had a WOW factor. We were shown to a... **More**

**Date of visit:** December 2019

🍴 Thank SJBerkshire



danielbU6483RB  
Staines, United Kingdom

📅 12 🍴 5



Reviewed 14 January 2020

### Post cinema stop

Stopped here after cinema trip absolutely lovely great food attentive staff will definitely visit again! about time Staines had a decent restaurant.

**Date of visit:** January 2020

🍴 Thank danielbU6483RB



JOB  
London

📅 294 🍴 60



Reviewed 3 weeks ago

### A real treat!

Always on the lookout for new restaurants in the area and this is just the ticket - hidden away from the bog standard chain restaurants in the High Street, this is a real gem. The whole experience from start to finish was a delight, lovely... **More**

**Date of visit:** January 2020

🍴 Thank JOB



vinyljeff  
Staines, United Kingdom

📅 46 🍴 38



Reviewed 4 weeks ago

### Superb Mediterranean Restaurant

Fora offers a wide range of mainly Turkish dishes. It has become popular very quickly and is lively and well decorated. The quality of the food is excellent and the friendliness and welcome from the staff adds to the experience. It's nice to have some more... **More**

**Date of visit:** January 2020

🍴 Thank vinyljeff



Bernie S  
Surrey, United Kingdom

📅 18 🍴 5



Reviewed 4 weeks ago

### The friendliest staff

Had lunch at Fora Staines and it was one of the nicest and welcoming restaurants I have been to for ages. Very good food ( the monk fish was wonderful ) and interesting menu.

**Date of visit:** January 2020

🍴 Thank Bernie S

## Facebook

fora\_staines - Reviews

https://www.facebook.com/pg/forastaines/reviews/?ref=page\_internal

fora\_staines

fora RESTAURANT

fora\_staines  
@forastaines

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5.0

5 out of 5 (1)

Based on the opinion of 8 people

Recommended by 9 people

MOST HELPFUL MOST RECENT

Eve Lindsay recommends fora\_staines.  
13 February at 08:58

Chat (12)



**Sheetal Khatri** recommends fora\_staines.

24 December 2019 ·

Love the food and the service! The best Mediterranean food in town, definitely worth the visit.

**Great food**



**Sheetal Khatri** recommends fora\_staines.

24 December 2019 ·

Love the food and the service! The best Mediterranean food in town, definitely worth the visit.

**Great food**



 **Eve Lindsay** ★ recommends [fora\\_staines](#).  
13 February at 08:58 · 🌐

Fabulous food last night, service was excellent even though they were busy, we will definitely come again!!!

1 Comment


---

 Like       Comment       Share


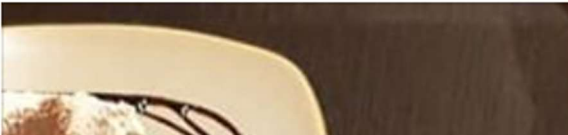
---

 **fora\_staines** Thank you very much for such great review! We work really hard to offer the best food in the best possible environment. Hope to see you again soon!

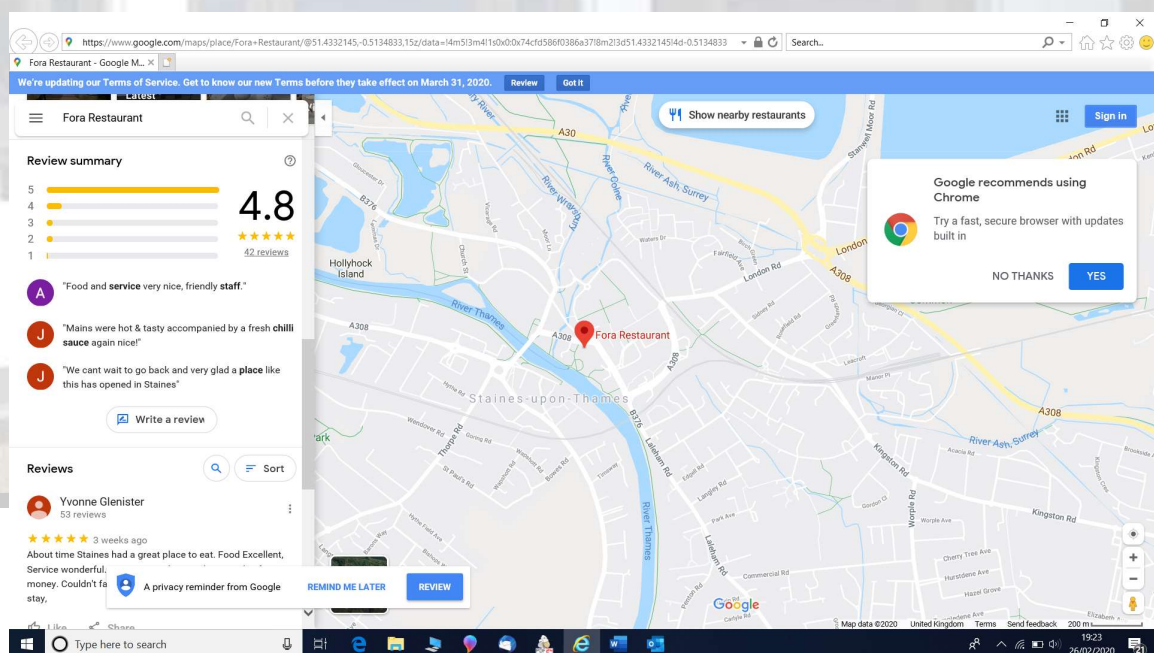
Like · Reply · 1w

 **Gloria Jones** ★ recommends [fora\\_staines](#).  
11 January · 🌐

Delicious food- great atmosphere and lovely staff

Google



Review summary

4.8 ★★★★★ 42 reviews

"Food and service very nice, friendly staff."

"Mains were hot & tasty accompanied by a fresh chilli sauce again nice!"

"We cant wait to go back and very glad a place like this has opened in Staines"

[Write a review](#)

Reviews

Yvonne Glenister 53 reviews

★★★★★ 3 weeks ago

About time Staines had a great place to eat. Food Excellent. Service wonderful. money. Couldn't fa stay.

[REMIND ME LATER](#) [REVIEW](#)

Google recommends using Chrome

Try a fast, secure browser with updates built in

[NO THANKS](#) [YES](#)





**Yvonne Glenister**

53 reviews



3 weeks ago

About time Staines had a great place to eat. Food Excellent, Service wonderful. Great atmosphere and great value for money. Couldn't fault just hope you make a success of it and stay,



Like



Share



**Paul Merrick**

Local Guide • 32 reviews



a month ago

Had a lovely dinner here tonight. Didn't know about this restaurant in advanced. Turned up with no booking. Staff were very friendly. Great service. Great food. Best we've had in the area. Looking forward to visiting again.



Like



Share



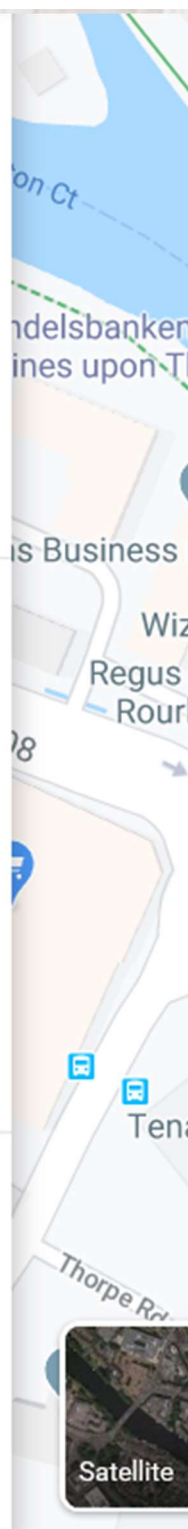
**Ana P**

9 reviews



a month ago

Had a pleasant dinner on Saturday at Fora Staines. Everyone was very polite and friendly, food was excellent and at reasonable prices. We'll go back again since is so close to us.







**Lesley Clark**

4 reviews



a month ago

Having been here for lunch a couple of weeks ago we were so impressed we decided to come with friends for a meal on Saturday evening. Booked a table, then had a call from the restaurant advising there was a licence issue so they weren't

...

[More](#)



Like



Share



**Rob Watts**

Local Guide • 4 reviews



a month ago

Truly great restaurant. Food is both authentic and superbly tasty. Great menu that accounts for all tastes. Service is top drawer and the decor/ambience are perfect.



Like



Share



**Susie Hall**

Local Guide • 17 reviews



a month ago

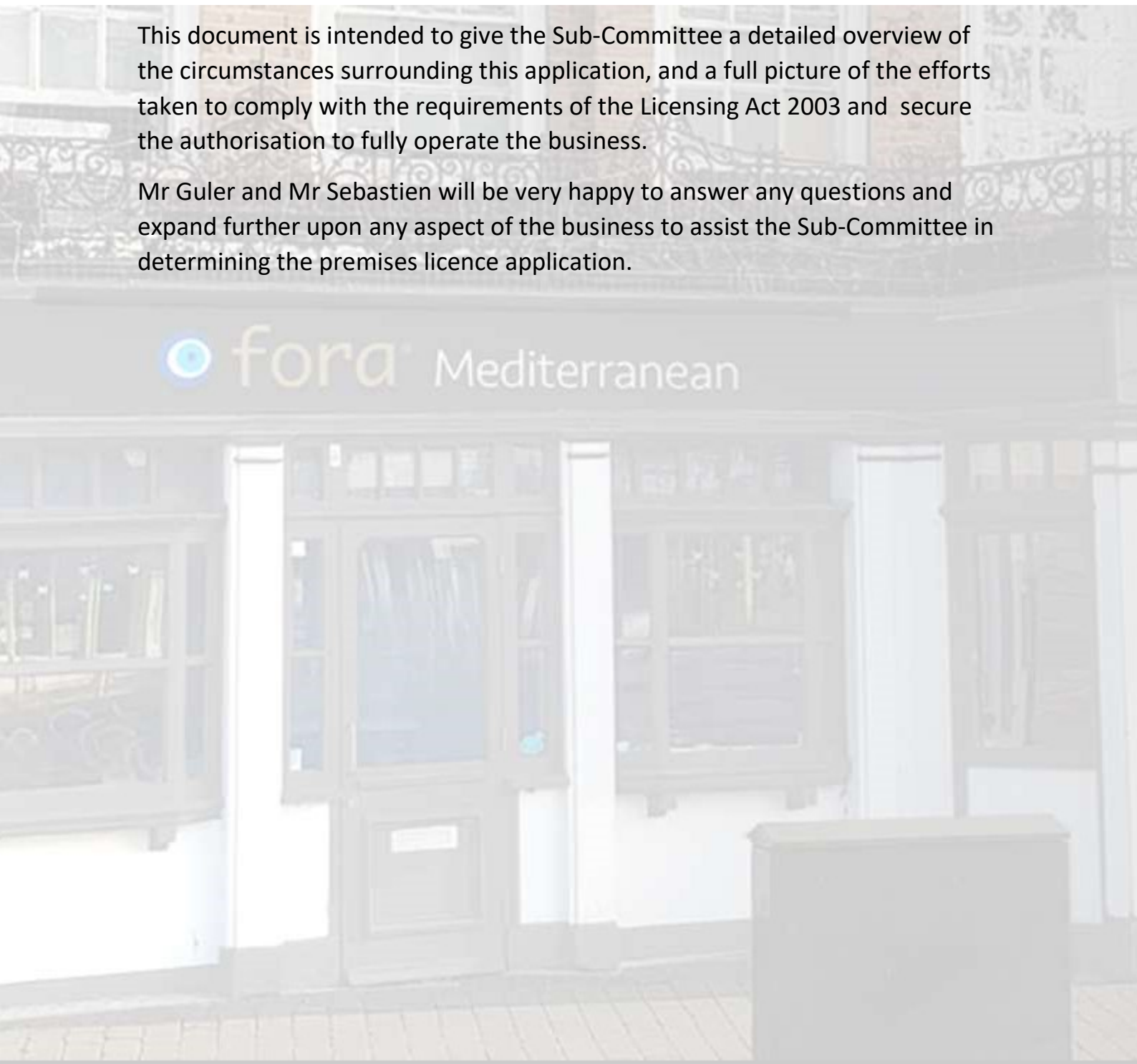
Food is so fresh and tasty, well presented and many dishes to choose from. You would not be disappointed. I had the Spicy Fish Pot which was delicious. 5/5\*



## Closing Comments

This document is intended to give the Sub-Committee a detailed overview of the circumstances surrounding this application, and a full picture of the efforts taken to comply with the requirements of the Licensing Act 2003 and secure the authorisation to fully operate the business.

Mr Guler and Mr Sebastien will be very happy to answer any questions and expand further upon any aspect of the business to assist the Sub-Committee in determining the premises licence application.



## Letter to Sadettin Guler

Sadettin Guler

Contact: Lucy Catlyn  
Service: Environmental Health  
Direct line: 01784 444295  
Fax: 01784 446437  
E-mail: l.catlyn@spelthorne.gov.uk  
Our ref: Fora Restaurant

Date: 17 January 2020

Dear Sirs

### **LICENSING ACT 2003**

**FORA RESTAURANT, 13-15 HIGH STREET, STAINES UPON THAMES, TW18 4QY**

I write further to the above premises and outline the timeline of events for ease of reference:

- The last day for representations is 26 December 2020.
- I advise Halit the agent from Northpoint via email on 3 January 2020 that I was going to issue the premises licence however I was having an ICT issue and would be back in the office on 13 January 2020. I asked him in the meantime to send me the newspaper article. I advised the licence was granted in good faith that they had advertised the application.
- On 13 January 2020 I chased Halit via email at 17.41 as I had received no reply. I also sent him two whatsapp messages advising I need to speak to him and that I need the newspaper advert.
- I spoke to Trinity Newspaper Group on 14 January 2020 who advised me that an advert was cancelled and no advert has been made in their newspaper as far as they could tell.
- Halit advised me on 14 January 2020 that the newspaper advert was not submitted for your Premises Licence application because allegedly the client did not pay for it. Apparently this only came to his attention that day. Halit is advised on 14 January 2020 via telephone and email that licensable activities must cease with immediate effect.
- I speak to Gurhan Cetin on the telephone at 17.02 on 14 January 2020 and advise that the licence application he made (form is dated 19.10.2019) is void because the statutory requirements to advertise in the local newspaper have not been complied with. I advised he needs to submit a new application form and pay again. I advised him to remove all alcohol from display and that he is not allowed to sell alcohol. I also advised that if they submit a new application then we will be putting a representation in.
- I met on 15 January 2020 at the premises: Saaettin Guler (Director for Fora), Gurhan Cetin and Soher Mulougim (Manager of Staines For a). Mr Guler advised he is just as surprised as I am that the newspaper advert was not put in the newspaper and he states he paid Halit £443 on 24 October 2019. I advised he needs to apply for a new licence and pay again. It is apparent that there is miscommunication between Fora and Halit and I recommend they put in writing what has gone wrong with them not putting the application in the newspaper.

- I noted at the above meeting there was wine glasses on the tables and alcohol in the two fridges behind the bar, spirits in the bar by the sink and more bottles of alcohol under the counter (these ones were out of sight for the customer). I explained that it needs to be removed from display. I advised them to let people know who have bookings that they have no licence.
- I was advised that they have not sold alcohol since 31 January 2019.
- On 16 January 2020 I explain to Halit on the phone that they need to apply for a new premises licence.

**So there is no confusion please take note of the below offences under the Licensing Act 2003 (both of which have unlimited fines):**

### **136 Unauthorised licensable activities**

#### **(1) A person commits an offence if—**

**(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**

**(b) he knowingly allows a licensable activity to be so carried on.**

(2) Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he—

- (a) performs in a play,
- (b) participates as a sportsman in an indoor sporting event,
- (c) boxes or wrestles in a boxing or wrestling entertainment,
- (d) performs live music,
- (e) plays recorded music,
- (f) performs dance, or
- (g) does something coming within paragraph 2(1)(h) of Schedule 1 (entertainment similar to music, dance, etc.).

(3) Subsection (2) is to be construed in accordance with Part 3 of Schedule 1.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to **[F1a fine]**, or to both.

(5) In this Part “authorisation” means—

- (a) a premises licence,
- (b) a club premises certificate, or
- (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

### **137 Exposing alcohol for unauthorised sale**

(1)A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.

(2)For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

(3)A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to [F2a fine], or to both.

(4)The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

You have now been formally told in writing as well as the above that you have no premises licence and therefore no licence to sell alcohol at Fora Restaurant Staines (address above). Should we find that alcohol is sold or exposed for sale then we may consider prosecuting you and will put a representation against any application you make for a premises licence at the above premises.

I trust this is clear but please contact me if you need clarification.

Yours faithfully

Lucy Catlyn  
Licensing Enforcement Officer

The Licensing Spelthorne Privacy Notice can be read at:  
<https://www.spelthorne.gov.uk/article/15990/Privacy-Notice---Licensing>

## Staff Licensing Training

The Police focus on offences related to alcohol is higher than ever and our only legal defence, of due diligence, rests upon us being able to prove that every member of staff responsible for selling or serving alcohol has received training on their responsibilities under the Licensing Act 2003.

In order to prove that the licence holder has fulfilled their responsibilities staff must receive training in respect of the sale and supply of alcohol, the 'Challenge 25 Age Verification Policy', the legal requirement for refusing to sell alcohol to a person, incident recording and compliance with the licence conditions.

### Authorised Sales of Alcohol

You can only sell alcohol during the hours permitted by the licence. In this establishment the licence is from 11am to 11pm.

**NEVER, under any circumstances, make a sale of alcohol outside those hours.**

The licence only authorises the sale of alcohol to customers purchasing a table meal, or waiting for a table in the bar area, for consumption by such a person as ancillary to their meal.

**Alcohol can never be served to someone who is not eating in the restaurant.**

### Sale of alcohol - deliveries

When taking an order for delivery, you must advise the customer that alcohol can only be delivered to a person over 18 yrs of age and they may be required to produce ID to prove they are over 18 years of age.

Breaching any of these puts the premises licence at risk and is a criminal offence for which the penalty is an unlimited fine and up to six months in prison.

### Drunkenness

#### **Section 141(1) – Offence – selling alcohol to a person who is drunk**

- It's an offence to sell alcohol, or attempt to sell alcohol, to a person who is drunk
- It's also an offence to knowingly allow alcohol to be sold to someone who is drunk. This means if you witness another member of staff selling alcohol to someone who is drunk you also commit an offence.

You are liable for conviction if you are:

- A. The person who served the drink
- B. The person who witness the sale of the drink
- C. The designated premises supervisor
- D. The premises licence holder (i.e. The Deltic Group Ltd)

### The Penalties

- A fixed penalty notice of £90 can be issued on the spot, to any or all of the above people
- The sentence on conviction of this offence is a fine of up to £1,000

### Signs of Drunkenness

Someone who is deemed drunk can show some of all of the following symptoms:

- Slow or slurred speech
- Lack of co-ordination
- Slow mannerisms
- Unsteady on their feet
- Loud and/or rowdy behaviour
- Aggression
- Glazed eyes

<b>Never serve alcohol to a person who appears drunk.</b>
---

### Underage Drinking

**Section 148(1)(2)(3) – selling alcohol to a person who is under 18 years of age.**

It's against the law to sell alcohol to a person who is under 18.

- It's an offence to sell alcohol, or attempt to sell alcohol, to a person who is under 18

It's also an offence for:

- An adult to buy or attempt to buy alcohol on behalf of someone who is under 18.
- For someone who is under 18 to buy alcohol, attempt to buy alcohol or to be sold alcohol in any circumstances.
- For someone who is under 18 to consume alcohol in licensed premises unless they are accompanied by an adult and it is for consumption with a table meal.

### Penalties

- A fixed penalty notice of £90 can be issued on the spot, to any or all of the above people
- The sentence on conviction of this offence is a fine of up to £1,000

If you are selling alcohol, **you are solely responsible** for making the appropriate age-related ID checks.

It is not acceptable, and cannot be used as a legal defence, to assume that someone else has checked a customer's ID. If in doubt, always check or refuse.

### **Ask yourself ... do they look over 25?**

The current age verification policy, enforced by Police and Trading Standards is '**Challenge 25**'. This requires you to establish whether the person you are about to serve alcohol to looks as if they could be under 25 years of age. NOT 18. They must be over 18, but you must challenge them and ask for ID if they appear to be under 25. This is because so many young people look so much older than they actually are.

If you think they look like they could be under 25, ask them for one of the following forms of valid photographic ID:

- Photo card driving licence
- Passport; or
- Identification card with the PASS hologram on it.

Make sure that you:

- Check that the date of birth displayed on the ID makes the customer over 18 yrs of age
- Check that the likeness of the photograph and the customer match

**Never serve alcohol if they look under 25 years of age and they cannot provide proof of their age.**

### **Refusal Record Book**

Any alcohol refusal must be recorded at, or soon after, the time of the refusal.

The refusal book must be endorsed with the reason (e.g No ID, fake ID, underage, drunk) and the member of staff making the refusal.

### **Incident Log**

An incident book must be used record any incidents of disorder or unusual incidents that could come back to haunt you if they result in a report to the Police.

This would include lost handbags, mobile phones, theft, turning away drunk or rowdy customers at the door, any aggressive behaviour on the premises, Police visits, licensing visits, any drugs or drug related items found on the premises.

The entry must include:

- Time and date
- nature of incident
- name of staff members involved
- name of any offender (if known)
- action taken as a result of the incident
- CAD reference number where police called.

### **Drug prevention**

Staff are expected to be vigilant when conducting routine checks of toilet areas or any susceptible areas of the premises and ensure that any suspicious behaviour or items of suspected drug related paraphernalia found on the premises is reported to the Manager, who will make a record in the incident and ensure the items are properly disposed of.

**NEVER put yourself at risk where substances or needles are found. Alert a manager and prevent the area being accessed by customers until the risk is removed.**

### **CCTV**

The licence requires that there is at least one member of staff able to operate the CCTV at all times, to ensure that in an emergency footage could be retrieved and displayed at the request of a Police Officer immediately.

If you are asked by Police always refer them to the DPS or a Manager.

We must always assist the Police in crime prevention, especially in emergency circumstances.



Show the member of staff where the emergency instructions are kept in case they ever need to access them in an emergency.

**Declaration**

I understand that the above requirements are conditions of the premises licence and that breaching an one of them could put the licence, and therefore the business, at risk.

I have received a copy of this document so I can refer to it in my own time.

**Signed:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_  
(Name of member of staff receiving training)

**Job Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**One copy of this document, signed by the member of staff after the training is complete, must be kept on the premises.**

**One copy must be given to the member of staff for their reference.**

## Operating under the authorisation of a TEN

Under any other circumstances operating under a TEN is quite a relaxed affair, however, as this is the consultation period for your premises licence application you will be expected to demonstrate the high standards you intend to operate to once the licence is granted.

The aim is to achieve the levels of compliance you have included in the premises licence application to show that you will not be undermining any of the licensing objectives and will be complying fully with the provisions of the Licensing Act 2003.

If you follow these instructions it will put you on the right side of licensing legislation and instil legal and compliant practices – there is a checklist at the end for you to use so you miss nothing out.

### 1) Display the TEN

You will not receive the signed temporary event notice until the three-day consultation period has passed. When you receive it, print it and display it somewhere in a public area – behind the bar is usual.

It must be displayed at all times while licensable activities are authorised.

You can only sell alcohol till 11pm – on the dot. Do not sell, display or expose for sale, any alcohol outside of those hours under any circumstances.

I recommend your staff do not even sit and have a beer after shift until this is over. There must be no room for doubt at all.

**Action: print off and display the TEN during the times and dates you are using it to sell alcohol. Failure to display it is an offence.**

### 2) Sadettin is the authorised person

Although Sadettin doesn't have to be on the premises all the time, it would be advisable to be there on nights when alcohol is for sale.

**Action: Sadettin to be present on all days TENs are valid if at all possible – only exception is an emergency.**

### 3) Licence Conditions

The Police and Licensing will be expecting you to operate to the level that you intend to achieve with your full licence.

The conditions that will be on your premises licence are these:

### **Staff Training**

All staff (paid or unpaid) shall be trained in respect of their responsibilities under the Licensing Act 2003, specifically including:

- The sale of alcohol
- Acceptable forms of ID
- Challenge 25
- The procedure on handling and recording refusals

Written staff training records must be kept to document that all staff have had training. All staff must receive refresher training on all these aspects every six months. Training documentation to be made available to Responsible Authorities on request.

**Action: complete the attached training document with all members of staff involved in selling alcohol, serving alcohol, taking orders or waiting tables.**

### **Refusal Log**

A refusal log shall be kept at the premises detailing all refused sales of alcohol and the reason for the refusal i.e. intoxication, false ID, no ID, underage.

The log shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall remain on the premises at all times and be made available for inspection on request by an authorised officer.

This is a key licensing requirement in all premises and it absolutely must be in place, available, and the staff must know when and how to use it.

**Action: You must do one of these options:**

- a) activate the refusal button on the till so every sale of alcohol requires the staff member to confirm that the person is clearly over 18 or confirm that they have asked for ID;**  
**or,**  
**b) get a page-per-day A4 diary to use as a combination Refusal AND Incident Log. Clearly label it 'REFUSAL AND INCIDENT LOG'. Keep it behind the bar.**

### **Incident Log**

An incident book must be kept to record all/any incidents of disorder. The Designated Premises Supervisor (DPS) must sign off each entry. The incident register must remain on the premises at all times and records kept for a minimum of one year and must detail the following;

- Time and date
- nature of incident
- name of staff members involved
- name of any offender (if known)
- action taken as a result of the incident
- CAD reference number where police called.

**Action: If you decide to use the till button for refusals, then get a page-per-day A4 diary to use as an Incident Book. Clearly label it 'INCIDENT BOOK'.**

### **Sale of Alcohol**

The sale of alcohol for consumption on the premises shall only be made to customers purchasing a table meal, or waiting for a table in the bar area, for consumption by such a person as ancillary to their meal.

The sale of alcohol for consumption off the premises may only be made to customers ordering food for delivery and must form part of the delivery order. The person accepting a delivery order including alcohol must advise the customer that ID may be required by the person receiving the order to prove they are over 18 years of age.

**Action: No one can walk in off the street and purchase an alcoholic drink if they are not ordering food or waiting for a table to become free.**

### **Drug prevention**

As a high class establishment, a zero-tolerance policy will be implemented regarding the use of illegal drugs on the premises. For staff training will include drug awareness and the actions to take if a customer is suspected to have taken or be in possession of an illegal substance; this includes refusing entry and making an record in the refusal/incident book at the time.

Staff will be trained to be vigilant when conducting routine checks of toilet areas or any susceptible areas of the premises and ensure that any suspicious behaviour or items of suspected drug related paraphernalia found on the premises is reported to the Manager, who will make a record in the incident and ensure the items are properly disposed of.

**Action: staff training will cover this. No action required other than staff being vigilant and knowing what to do if any drug related behaviour or paraphernalia is found or seen.**

### **CCTV**

A CCTV system must installed and maintained with cameras situated to capture clear, evidential quality images of all public areas, including all entrance and exit areas. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be retained for 30 days and shall be provided to a Police or authorised officer upon reasonable request. All recordings will display the correct date and time of the recording.

There must be at least one member of staff able to operate the CCTV at all times, to ensure that in an emergency footage could be retrieved and displayed at the request of a Police Officer immediately.

**Action: Write a simple guide to operating the system and make sure every day you're selling alcohol that there is someone on the premises who can operate it – without needing to make phone calls or guess. Make sure they have practised doing it so they look confident when the Police ask.**

### **Noise prevention**

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

**Action: Display a clear but polite notice at the exit where it can clearly be seen by customers.**

### **Age Verification Policy**

The premises shall operate a Challenge 25 policy with regard to age related sales of alcohol. Challenge 25 signs will be displayed at the entrance and at the bar to notify members of the public of this policy.

For the purpose of age verification, acceptable forms of ID will include passport, driving licence, a card bearing the PASS Home Office ID logo or any official Government issued ID card bearing the holders' photograph, name and date of birth.

#### **Action:**

- 1) print off the Challenge 25 poster attached to this email and display it behind the bar. You also need to print off the small logo and display it on the front of the premises so it can be seen by a person entering. This is a key Trading Standards requirement.**
- 2) staff training must cover Challenge 25.**

## Checklist

**To be completed before 30 Jan 2020**

Print off and display each TEN during the times and dates you are using it to sell alcohol.	<input type="checkbox"/>
Sadettin to be present on all days TENs are valid if at all possible, save for an unexpected or unavoidable emergency.	<input type="checkbox"/>
Complete the attached training document with all members of staff involved in selling alcohol, serving alcohol, taking orders or waiting tables.	<input type="checkbox"/>
Action: You must do one of these options: a) activate the refusal button on the till so every sale of alcohol requires the staff member to confirm that the person is clearly over 18 or confirm that they have asked for ID; or, b) get a page-per-day A4 diary to use as a combination Refusal AND Incident Log. Clearly label it 'REFUSAL AND INCIDENT LOG'. Keep it behind the bar.	<input type="checkbox"/> or <input type="checkbox"/>
If you decide to use the till button for refusals, then get a page-per-day A4 diary to use as an Incident Book. Clearly label it 'INCIDENT BOOK'.	<input type="checkbox"/>
Write a simple guide to operating the system and make sure every day you're selling alcohol that there is someone on the premises who can operate it – without needing to make phone calls or guess. Make sure they have practised doing it so they look confident when the Police ask.	<input type="checkbox"/>
Display a clear but polite notice at the exit.	<input type="checkbox"/>
Print off the Challenge 25 poster emailed by Reba and display it behind the bar.	<input type="checkbox"/>
You also need to print off the small logo and display it on the front of the premises so it can be seen by a person entering. This is a key Trading Standards requirement.	<input type="checkbox"/>

## Email thread

**CAUTION:** This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

**From:** Catlyn, Lucy <[L.Catlyn@spelthorne.gov.uk](mailto:L.Catlyn@spelthorne.gov.uk)> **On Behalf Of** Licensing  
**Sent:** 29 November 2019 15:40  
**To:** 'info@northpointuk.co.uk' <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>; Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>; Thomas, Robert <[R.Thomas2@spelthorne.gov.uk](mailto:R.Thomas2@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Hi Halit

Nice to speak to you just now

Please get a TEN over to me asap today. I am leaving at 4.15pm and I will look over it before I go

Thanks ☺

**Lucy Catlyn**  
**Licensing Enforcement Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB  
Tel: 01784 444295

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**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk) <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Sent:** 29 November 2019 14:16  
**To:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>; Thomas, Robert <[R.Thomas2@spelthorne.gov.uk](mailto:R.Thomas2@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Dear Mr. Thomas,

Thank you for your e-mail. I have made two separate application one for the TEN which has been made 15/09/2019. The other one is Premises Licence application. This e-mail is seeking answers only for the TEN application ( REF: 19/00935/LATEMP )

- 1) I was seeking the outcome of this application several times by e-mail/phone call. What is the outcome of this application? ( 19/00935/LATEMP )
- 2) If this TEN licence issued why we have been told to not open the premises. And why the Licensing Team is not sending us the Licence.
- 3) If this application is not issued. How can we process it? I really need an answer.

During this time It is quite common to serve temporary event notice and I have applied similar application to other London boroughs even later this application and all have been already Issued.

I am having difficulties to explain to my client why we are not receiving our TEN license and they are seeking legal advice at this stage. Please advise.

Again I would like to underline this e-mail is only for the TEN Notice which has been served (15/11/2019).

I would be grateful if you can call me on 07886442304.

Kind Regards  
**Halit Ertas**  
Planning Consultant

M:07886 442304  
T: (0208) 014 7364  
Web: [www.northpointuk.co.uk](http://www.northpointuk.co.uk)  
e-mail: [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)



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NorthPointUK Planning & Licensing-----11 Gatward Close, Winmore Hill N21 1AS----- Phone: 0044 7886 442 304

[www.northpointuk.co.uk](http://www.northpointuk.co.uk)

**From:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>  
**Sent:** 28 November 2019 14:46  
**To:** 'info@northpointuk.co.uk' <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Hi Halit, thanks for the update.

Sorry to hear you've had no luck with Surrey Police, I've just received correspondence from their Police Licensing Officer confirming they had actually logged the amendments to the last TEN on their system – but for some reason they didn't let us or yourself know. So I'm afraid I can only apologise that the lack of communication from them has ended up being to the detriment of your plans.

In terms of their input on TENs, yes it's necessary to give them due time to serve a Counter TEN. The statutory timescale for them to do so is three working days after the date of receipt for a TEN. In the example given above, this was confused by your amendments to the times applied for – typically if working according to the legislation we should have rejected your TEN in the first instance, but we wanted to avoid doing so in an attempt to exercise a little flexibility in allowing you to amend the dates.

I think for the avoidance of confusion down the line it's in your interests to get TENs into us sooner than later, & double-check them beforehand to ensure the dates you're applying are correct & within permitted timescales. Appreciate those are probably obvious pointers! but I'd be remiss if I didn't advise accordingly.

**In terms of your point about the TEN relating to a Premises Licence application – yes the two forms are considered separately. But obviously any repercussions from one (or the general operation at the site) will have a bearing on the determination of the other.** So it's good that you've been taking a holistic approach in trying to speak with the Police Licensing Officer for a general chat about the premises. It would seem they're not overly concerned by the proposed operation at the site, which bodes well for you. So let's get the ball rolling on this Premises Licence



asap – so it doesn't hold you up down the line. Once we receive a valid app we can ping back some suggestions for amendments to the Operating Schedule if need be & take things from there.

Hope that helps. Please reference Lucy's earlier e-mail about what was outstanding in terms of the Premises Licence application, this should enable you to progress forward. Obviously we'll help where we can, but our resources are limited so you're going to need to make every effort getting the paperwork sorted best you can first & foremost.

Kind regards,

**Rob Thomas**  
**Principal Licensing Officer**

**Spelthorne Borough Council,**  
Council Offices, Knowle Green, Staines-upon-Thames, TW18 1XB  
Tel: 01784 446439

**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk) <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>

**Sent:** 28 November 2019 14:06

**To:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>; Catlyn, Lucy <[L.Catlyn@spelthorne.gov.uk](mailto:L.Catlyn@spelthorne.gov.uk)>; Thomas, Robert <[R.Thomas2@spelthorne.gov.uk](mailto:R.Thomas2@spelthorne.gov.uk)>

**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Dear Rob/Lucy and Licensing Team,

I was trying to reach the Licensing police officer several times this week with no luck. Correct me if I am wrong pleased;

- **from my knowledge TEN notice is not related to the main application?**
  - Licensing police officers can object to TEN notice but there is a deadline for this? Otherwise, what is the point of making TEN application? From my knowledge, those events are usually short notice events.

My question is are we legally need to wait to respond from Licensing police officer?

However, the applicant prepared a letter explaining the long term plan for For a restaurant.

Could you please call me on 07886442304

Kind Regards  
**Halit Ertas**  
Planning Consultant

M:07886 442304  
T: (0208) 014 7364  
Web: [www.northpointuk.co.uk](http://www.northpointuk.co.uk)  
e-mail: [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)



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[www.northpointuk.co.uk](http://www.northpointuk.co.uk)

**From:** Catlyn, Lucy <[L.Catlyn@spelthorne.gov.uk](mailto:L.Catlyn@spelthorne.gov.uk)> **On Behalf Of** Licensing  
**Sent:** 25 November 2019 13:59  
**To:** 'info@northpointuk.co.uk' <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>; Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Hi Halit

That would be great, please don't forget that your formal premises licence application is still outstanding

Kind regards

**Lucy Catlyn**  
**Licensing Enforcement Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB  
Tel: 01784 444295

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**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk) <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Sent:** 25 November 2019 11:27  
**To:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Hi Rob,

We are now preparing a letter giving detailed information on how Fora Restaurant will be managed. Once it is ready I will e-mail you.

Regards

**Halit Ertas**  
Planning Consultant

M:07886 442304  
T: (0208) 014 7364  
Web: [www.northpointuk.co.uk](http://www.northpointuk.co.uk)  
e-mail: [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)



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[www.northpointuk.co.uk](http://www.northpointuk.co.uk)

**From:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>  
**Sent:** 25 November 2019 09:52  
**To:** 'info@northpointuk.co.uk' <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

It wouldn't be a terrible idea, Halit. I think she's bound to have questions which you'll be better place than I to answer.

I CC'd her into the message I sent you the week before last & included her contact details for your benefit – so if you look back at e-mail of 15<sup>th</sup> you'll have her number to hand. She's not in the office today but will be back in early tomorrow.

Kind regards, Rob

**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk) <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Sent:** 25 November 2019 09:38  
**To:** Thomas, Robert <[R.Thomas2@spelthorne.gov.uk](mailto:R.Thomas2@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Dear Mr. Thomas,

Thank you for your e-mail. Should I speak with Licensing police officer and explain him the nature of business.

Kind Regards,

**Halit Ertas**  
Planning Consultant

M:07886 442304  
T: (0208) 014 7364  
Web: [www.northpointuk.co.uk](http://www.northpointuk.co.uk)  
e-mail: [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)



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**From:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>  
**Sent:** 25 November 2019 09:29  
**To:** 'info@northpointuk.co.uk' <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Cc:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Hi Halit,

I understand that you spoke with my colleague Lucy on Friday, & that she advised you that we are unable to confirm the validity of your request until we have spoken to a representative from Surrey Police.

Unfortunately, we're still awaiting contact from our counterpart there. I'm uncomfortable advising you further on this matter until such a time as we receive clarification from her accordingly.

I appreciate this might be frustrating from your perspective but would point out that we have already exercised discretion in not rejecting the notice outright. It's unfortunate that the matter has dragged on, but confirmation on 22<sup>nd</sup> November that licensable activity is to begin the following day is not adequate for the authorities to comment – this is the reason for the time constraints on TENs detailed within the Act.

We will come back to you as & when we can advise further. In the meantime, I would not recommend undertaking licensable activities as doing so would like mean offences are taking place – which would be to the detriment of a Premises Licence application.

Kind regards,

**Rob Thomas**  
Principal Licensing Officer

**Spelthorne Borough Council,**  
Council Offices, Knowle Green, Staines-upon-Thames, TW18 1XB  
Tel: 01784 446439

**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk) <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Sent:** 25 November 2019 09:13  
**To:** Thomas, Robert <[R.Thomas2@spelthorne.gov.uk](mailto:R.Thomas2@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Good morning Mr. Thomas,

I look forward to discussing TEN notice that I applied last Friday with you. I am available Today between 9am and 13pm. phone number is 07886442304.

Kind Regards

**Halit Ertas**  
Planning Consultant

M:07886 442304  
T: (0208) 014 7364  
Web: [www.northpointuk.co.uk](http://www.northpointuk.co.uk)  
e-mail: [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)

---

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[www.northpointuk.co.uk](http://www.northpointuk.co.uk)

**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk) <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Sent:** 22 November 2019 11:17  
**To:** 'Thomas, Robert' <[R.Thomas2@spelthorne.gov.uk](mailto:R.Thomas2@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Hi Thomas,

Dates are 23<sup>rd</sup> November – 29<sup>th</sup> November. 10:00-23:00.

Regards

**Halit Ertas**  
Planning Consultant

M:07886 442304  
T: (0208) 014 7364  
Web: [www.northpointuk.co.uk](http://www.northpointuk.co.uk)  
e-mail: [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)



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NorthPointUK Planning & Licensing-----11 Gatward Close, Winmore Hill N21 1AS----- Phone: 0044 7886 442 304

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[www.northpointuk.co.uk](http://www.northpointuk.co.uk)

**From:** Thomas, Robert <[R.Thomas2@spelthorne.gov.uk](mailto:R.Thomas2@spelthorne.gov.uk)>  
**Sent:** 21 November 2019 20:21  
**To:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>; 'info@northpointuk.co.uk' <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Cc:** Sokhey, Sandeep <[S.Sokhey@spelthorne.gov.uk](mailto:S.Sokhey@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Hi Halit,

We're awaiting for a written response to the attached e-mail, which I sent on Friday 15<sup>th</sup>, confirming that you wish for us to amend the TEN to run from 23<sup>rd</sup> November – 29<sup>th</sup> November.

Without written confirmation from you that this was your intended request we have so far been unable to process the notice further.

At this point, the authorisation of the notice at this point will depend on 2 things: -

- i) Confirmation from you of the intended times/dates, &
- ii) acceptance of this by Surrey Police.

Kind regards,

**Rob Thomas**

## Principal Licensing Officer

Spelthorne Borough Council,  
Council Offices, Knowle Green, Staines-upon-Thames, TW18 1XB  
Tel: 01784 446439

**From:** Catlyn, Lucy <[L.Catlyn@spelthorne.gov.uk](mailto:L.Catlyn@spelthorne.gov.uk)> **On Behalf Of** Licensing  
**Sent:** 21 November 2019 16:02  
**To:** 'info@northpointuk.co.uk' <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>; Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>  
**Cc:** Thomas, Robert <[R.Thomas2@spelthorne.gov.uk](mailto:R.Thomas2@spelthorne.gov.uk)>; Sokhey, Sandeep <[S.Sokhey@spelthorne.gov.uk](mailto:S.Sokhey@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

Hello

My colleagues, Sandeep and Rob were dealing with this and I have cc'd them so that they can respond to you tomorrow.

In respect of your premises licence application we have not received a reply to my email I sent you on Monday. Please ask your client to remove the blue notices they have placed up because this is causing confusion.

Many thanks  
Lucy

**Lucy Catlyn**  
**Licensing Enforcement Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB  
Tel: 01784 444295

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**From:** [info@northpointuk.co.uk](mailto:info@northpointuk.co.uk) <[info@northpointuk.co.uk](mailto:info@northpointuk.co.uk)>  
**Sent:** 21 November 2019 15:29  
**To:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>  
**Subject:** RE: 13-15 High St, Staines TW18 4QY-- Temporary Events Notice

**REF:** FS-Case-156851779  
**Site:** 13-15 High St, Staines TW18 4QY

Dear Licensing Team,

Can you please give me an update for this application ( FS-Case-156851779 )?

Regards

**Halit Ertas**  
Planning Consultant

## Reba Danson

---

**From:** Clark, Jacquie 9143 <Jacquie.Clark@surrey.pnn.police.uk>  
**Sent:** 26 February 2020 10:42  
**To:** 'Licensing'; 'Reba Danson'  
**Subject:** Fora, Staines

Hi,

For information yesterday I had a member of police staff enquire as to why you can only get alcohol with your meals sometimes (weekends) in this premises, but that during the week you can bring your own alcohol to the location, but are not able to purchase any in the restaurant. He was informed of this by a regular customer who lives in the Staines area.

I explained the position to him re their TENS, but thought I would let you both know as it demonstrates, that the staff are complying with their restrictions.

Kind Regards

Jacquie Clark 9143  
Licensing Enforcement Officer  
Community Safety Team Northern  
Tel: 01483 631146  
Address: Surrey Police, PO Box 101, Guildford GU1 9PE

[www.surrey.police.uk](http://www.surrey.police.uk)

Did you know that Surrey Police is on Twitter, Facebook, and other social media channels? Find out more:  
<http://www.surrey.police.uk/contact-us/social-media>

For non-urgent notification of a minor crime you can also use the online crime reporting facility available at:  
<https://my.surrey.police.uk/reportonline/ReportIt>

Surrey Police – With You, Making Surrey Safer

The content of this email is NOT PROTECTIVELY MARKED

On 17 Feb 2020, at 18:34, Reba Danson <[enquiries@benchmarklicensing.co.uk](mailto:enquiries@benchmarklicensing.co.uk)> wrote:

Hi Lucy,

Many thanks for that clarification Lucy, I must have misunderstood as I had thought we were expecting to hear back. My mistake.

I will send over the complete list of proposed conditions tomorrow first thing.

Thanks again

Reba

**From:** Catlyn, Lucy <L.Catlyn@spelthorne.gov.uk>

**Sent:** 17 February 2020 14:50

**To:** Licensing <licensing@spelthorne.gov.uk>; 'Reba Danson' <[enquiries@benchmarklicensing.co.uk](mailto:enquiries@benchmarklicensing.co.uk)>

**Subject:** RE: Email re: 13 - 15 High Street, Staines

Hi Reba

Thank you for your email

I did not state that I would let you know what further measures Licensing or Surrey Police would consider necessary for the restaurant to be operated to the level of compliance required. It is for the applicant to say how they are going to promote the licensing objectives in all licensing applications.

Please can you send me one document detailing all of the conditions that are being offered by your client (please include everything offered in the app form) so that I have these in one document.

I am unable to advise what measures are necessary for your client to achieve the level of compliance before you submit the next TENS as it is for your client to submit TENS and it is for the Police and/or Environmental Health to consider whether they object or not.

Kind regards

Lucy

**Lucy Catlyn**

**Principal Licensing Officer**

**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

Tel: 01784 444295

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**From:** Reba Danson <[enquiries@benchmarklicensing.co.uk](mailto:enquiries@benchmarklicensing.co.uk)>

**Sent:** 10 February 2020 22:35



**To:** Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>

**Subject:** Email re: 13 - 15 High Street, Staines

Dear Lucy/Licensing Team,

Many thanks for the conversation earlier this evening Lucy, it is helpful to know that the timescale will now include the application being determined by the Sub-Committee.

I have explained the situation to Mr Guler and we will submit the remaining TENS in the next day or two.

Before we do though, following my email – below – you said you would respond to clarify whether there are any further measures you or Jacquie Clark would consider necessary for the restaurant to be operated to the level of compliance required, and I would really appreciate a reply please.

Mr Guler has implemented a wide range of interventions since I was appointed to assist and advise him, and the proposed conditions below demonstrate his sincerity in reviewing and overhauling the operation of the premises to elevate compliance levels.

He is determined to ensure that the present, and future, compliance levels entirely meet the requirements of the Licensing Act and the expectations of the Licensing Team and Police so, in advance of submitting further TENS, this is an appropriate juncture at which to ask the question again.

Recent interventions include:

- All the proposed conditions contained within the premises licence application were fully complied and evidenced before the first date of operating under the authorisation of the TENS;
- Additional conditions, below, have since been proposed to reassure the authorities that the measures taken recently are permanent and can be relied upon;
- A personal licence holder will be on the premises at all times licensable activities are taking place to oversee alcohol sales;
- Every staff member has been trained, understands their role and responsibility, and is committed to Mr Guler, the team and the business; and
- The restaurant manager responsible for compliance failures was immediately, completely and permanently removed from the business in every respect.

We would be very grateful to know of any further measures that you consider necessary to achieve the desired level of compliance before we submit the next TENS please.

I look forward to hearing from you and thank you, in advance.

Kind regards

Reba

**From:** Catlyn, Lucy <[L.Catlyn@spelthorne.gov.uk](mailto:L.Catlyn@spelthorne.gov.uk)> **On Behalf Of** Licensing

**Sent:** 31 January 2020 14:21

**To:** 'Reba Danson' <[enquiries@benchmarklicensing.co.uk](mailto:enquiries@benchmarklicensing.co.uk)>

**Cc:** Lisowski, Alexander <[A.Lisowski@spelthorne.gov.uk](mailto:A.Lisowski@spelthorne.gov.uk)>; Licensing <[licensing@spelthorne.gov.uk](mailto:licensing@spelthorne.gov.uk)>

**Subject:** RE: Replacement email - 13 - 15 High Street, Staines

Thanks Reba, we will send over to Jacquie and will come back to you further in the next couple of weeks

Kind regards

**Lucy Catlyn**  
**Principal Licensing Officer**  
**Environmental Health and Licensing**

Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB  
Tel: 01784 444295

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Dear Lucy,

Following the events of recent days, Mr Sadettin Guler and I have fully discussed and reviewed direction of the business in respect of compliance and licensing. He fully understands the seriousness of the instances of non-compliance identified before the submission of his current application, and appreciates why they are of such concern to the Police and Licensing Authority.

In the last few days he has fully re-evaluated the business and implemented some significant and comprehensive changes to completely and permanently address the failings and the concerns of the authorities and develop a fully compliant licensing regime within his restaurant business.

In addition to the requirements stated in his application, he feels the measures outlined below both address current issues and also provide reassurance that he and his team are sincerely dedicated to developing a fully safe, legal and compliant business in every respect.

Mr Guler has asked me to contact you on his behalf to provide written confirmation – upon which you can rely – to explain the measures that have been taken and propose two conditions that he would be very happy to add to the licence to formalise the requirements.

### **Staff Training**

All staff have undergone training to ensure they fully understand the requirements of the Licensing Act 2003 and their responsibilities in relation to it.

Although the condition requires this on the premises licence application, the training was in fact completed in advance of operating under the authorisation of the Temporary Event Notices as Mr Guler wanted to ensure that all alcohol sales, no matter what the authorisation, are conducted to the highest standard of responsibility and accountability. The signed individual training forms will remain on the premises.

### **Mr Soner Mulayim**

Mr Guler acknowledges that, through a catalogue of failings, Mr Mulayim's actions have significantly undermined and risked his whole business. In recent weeks, to his sincere regret, the extent of Mr Mulayim's failings has become clear and he can fully appreciate the reservations and concerns of the Council and Police.

He believes the responsible and necessary course of action, at this point, is to draw a line under recent events and focus on learning from these harsh lessons to improve the business. To that end, Mr Mulayim has now been completely removed from the business. He is no longer employed in any capacity and will not be involved at any time in the future. In order to provide the reassurance the authorities can rely on Mr Guler is very happy to propose the following condition be added to the licence.

***Proposed condition: Mr Sonar Mulayim is prohibited from being involved, in any capacity, within the business operated at 13-15 High Street, Staines, TW18 4QY.***

### **CCTV**

The CCTV system has now been reviewed and programmed to match the requirements outlined in the operating schedule and staff have now been fully trained to operate the CCTV upon request.

Mr Guler appreciates that the level of knowledge was insufficient and this has now been prioritised so there is always someone competent and available to operate the CCTV.

### **Personal Licence Holders**

To ensure that all alcohol activities on the premises take place under the supervision of a personal licence holder at all times, he would also like to propose the addition of the condition below:

***Proposed condition: A personal licence holder must be on the premises at all times that the premises is open to the public and/or licensable activities are taking place.***

Although there was a series of failings, these all resulted from poor management and were directly attributable to Mr Mulayim.

Mr Guler is now taking personal responsibility for Managing the premises until a new Manager can be appointed and I hope it is clear from this email that Mr Guler and his team are entirely dedicated to working with the authorities to ensure all licensing and regulation requirements are fully met.

I would be grateful if you could please give careful consideration to the proposals outlined above and forward this email to Jacquie Clarke for her information.

Please let me know if there are any remaining concerns that the above proposal does not address as we would appreciate the opportunity to discuss and consider any further modifications that you may consider appropriate or necessary to ensure the premises is operated to the high standard that both he, and you, expect.

I will await hearing from you.

With regards

Reba Danson

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