

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 25 NOVEMBER 2015**

**COUNCILLORS**

**PRESENT** (Chair) Chris Bond, Derek Levy and Dogan Delman

**ABSENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), PC Martyn Fisher (Metropolitan Police Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

**Also Attending:** Ms Caroline Daly, Barrister, Francis Taylor Building (on behalf of Metropolitan Police Service)  
Mr Ali Besir Yuce, Premises Licence Holder / Designated Premises Supervisor, Enfield Snooker Club  
Ms Linda Somerville (PhD student) - observing  
Councillor Jim Steven - observing

**257**

**WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Bond (Chair) welcomed all those present and explained the order of the meeting.

**258**

**DECLARATION OF INTERESTS**

NOTED that there were no declarations of interest in respect of items on the agenda.

**259**

**ENFIELD SNOOKER CLUB, 1A MARKET CHAMBERS, CHURCH STREET, ENFIELD, EN2 6AA (REPORT NO. 125)**

RECEIVED the application made by the Metropolitan Police Service for a review of the Premises Licence held by Mr Ali Besir Yuce at the premises known as and situated at Enfield Snooker Club, 1A Market Chambers, Church Street, Enfield, EN2 6AA.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
  - a. The review application was brought by the Metropolitan Police Service, based on the prevention of crime and disorder and on public safety.

**LICENSING SUB-COMMITTEE - 25.11.2015**

- b. In October 2015 two serious assaults took place at the premises.
  - c. On 29 October 2015 the Licensing Sub-Committee considered that it was necessary to take interim steps by attaching additional conditions to the licence with immediate effect. The decision notice was set out on page 139 of the agenda pack.
  - d. The Police considered that it was still appropriate to suspend the licence until all conditions were complied with; to remove the Designated Premises Supervisor (DPS); and to modify conditions and hours.
  - e. Mr Ali Besir Yuce, the premises licence holder and DPS, was present at this hearing, representing himself. He had not provided any written representations.
  - f. The Metropolitan Police Service was represented by Ms Caroline Daly from Francis Taylor Building.
2. The statement of Ms Caroline Daly, on behalf of the Police, including the following points:
- a. At the time the application was brought and now, the Police had serious concerns relating to the promotion of public safety and the prevention of crime and disorder.
  - b. Historically, this premises had been a private members' club with a clear membership policy. This was not now the case. The premises had become in essence a night club, with customers arriving after other drinking establishments had closed.
  - c. Incidents occurred on 4 October 2015 and 24 October 2015: less than three weeks apart. Both were serious assaults leading to hospital treatment of victims, one requiring referral to a maxillo-facial unit so serious was the injury. Both incidents happened in the early hours of the morning. On only one occasion were the Police informed. On neither occasion was Mr Yuce present on the premises.
  - d. The licence conditions and the current management practices were not sufficient. If the premises were allowed to re-open they would present a serious risk to public safety. The premises were centrally located in Enfield Town and it would be undesirable for local residents for the business to re-open currently.
  - e. The Police were not requesting revocation of the licence. It was considered that the concerns in respect of management and operation of the premises could be adequately addressed by conditions and by the removal of Mr Yuce as DPS.
  - f. The conditions proposed by the Police were set out on page 148/9 of the agenda pack. These proposed conditions were almost the same as considered at the interim steps stage, with the addition of Conditions 12 and 13. The removal of Condition 9 in the current licence was also requested.
- \* The Principal Licensing Officer, with apologies, advised that proposed Condition 13 on page 148 should read "Children aged 14 to 18 shall only be permitted to enter and remain on the premises until 22:00."

#### LICENSING SUB-COMMITTEE - 25.11.2015

- g. PC Martyn Fisher, Police Licensing Officer, had provided two witness statements and would provide further information in response to questions and would be able to show relevant CCTV footage.
  - h. The panel watched CCTV footage from 4 October 2015 timed just after 03:30 from inside the venue and from a camera at the door to the Market Square, and from 24 October 2015 from a camera covering the fire escape / smoking area in the premises.
  - i. PC Fisher advised that the Police came to know of the first incident when a member of staff called them having witnessed the assault in the Market Square but having been too afraid to get involved. The Police Licensing Team had not been immediately aware that the first incident had related to Enfield Snooker Club. On the occasion of the second incident, the Police were not called except by the victim's friend. On 26 October 2015 a meeting was held to view footage of both incidents with the DPS and to carry out an inspection of the licence.
3. The Police representatives responded to questions as follows:
- a. In response to the Chair's request for further details on why the Police licensing team did not pick up on the first incident at the premises, PC Fisher advised that when the phone call was made the assault was reported as in the Market Square not the snooker club and no association was therefore recorded in the crime report. One week later when Police were trying to get hold of the club owner to obtain CCTV footage it came out that the incident occurred in the snooker club. The club itself did not tell Police about the incident, but it was a member of staff who reported a fight in the Market Square, but did not make it known that it was related to the club.
  - b. In response to Councillor Levy's question about the request for 00:00 as the terminal hour, it was clarified that at present the snooker club had no last entry time. When other licensed premises in the area closed, customers could come straight into this club as there was no restriction on membership. Bar Form and Club Azure were the latest closing premises in Enfield Town. A trade had developed and customers were being attracted for late night vertical drinking and dancing, and the premises had turned into a late night club.
  - c. It was confirmed that no further incidents of crime and disorder had been reported in the Market Square since 24 October 2015, and noted that the business had not been trading since the interim steps hearing.
  - d. Councillor Levy asked if there had been conversations with Mr Yuce regarding a change of DPS. PC Fisher advised that at their meeting on 26 October, Mr Yuce had openly admitted having difficulties at home in respect of operating the club and that he was not there at the busiest periods. The Police considered that the venue was not efficiently managed or staff sufficiently trained, and that Mr Yuce was not doing the job he should be as DPS. It was confirmed that no voluntary application to vary the DPS had been received, and that no indication had been provided of any potential replacement as DPS.

**LICENSING SUB-COMMITTEE - 25.11.2015**

- e. Councillor Delman asked for clarification of the address of the venue as it was not consistent throughout the documents. PC Fisher advised that it could be variously found as 1A Market Chambers and 4A Market Chambers, but referred to this single venue of Enfield Snooker Club.
4. The statement of Mr Ali Besir Yuce, DPS and premises licence holder, Enfield Snooker Club, including the following points:
- a. He had run the premises since 2001 (with three years away) with no serious problems as far as he was aware.
  - b. Up until June 2015 there had been no problems; until PC Fisher had said that the venue was not a members only club any more.
  - c. Entry had previously been restricted to members and guests. When the club was told this was not the case any more, they could let anyone in.
  - d. Since that point there had been three incidents.
  - e. He wanted to go back to being a members only club, and that would be his advice to put the situation right.
5. Mr Yuce responded to questions as follows:
- a. The Chair asked about a third incident referred to. Mr Yuce advised that an incident had happened against himself when he opened the door to explain that the club was closed in response to someone repeatedly pressing the buzzer who then headbutted him. PC Fisher confirmed that this incident was included in his statement on page 23 of the agenda pack.
  - b. Councillor Delman asked Mr Yuce's views on the Police request to replace him as DPS. Mr Yuce advised that he had been in the role since 2001 and was a good DPS. There had been no incidents at the club previously. For the past month he had had problems at home and had to spend some time with his wife.
  - c. In response to the Chair's suggestion that it would not be inappropriate to take time away if staff were trained to run the business properly, and that was part of the responsibility of a DPS, Mr Yuce confirmed that he understood. In response to Members' further queries regarding steps taken to ensure the premises were operated correctly in his absence, Mr Yuce advised that staff had been trained and those people had been coming to the club for many years and helping him out.
  - d. Councillor Levy noted that the training records did not reflect Mr Yuce's assertion and asked about staff responsibilities for security. Mr Yuce advised that there were two buzzer doors to control entry.
  - e. Councillor Levy asked why smokers were visible inside the venue on the CCTV footage. Mr Yuce responded it was because they were on the second floor. In response to Councillor Levy's further queries that this was a breach of conditions and a responsibility of the DPS, Mr Yuce advised that if he saw it happening he told people off, but it had been going on only for the past month.
  - f. Councillor Bond remarked that staff should know what was legal, and queried that customers were also recorded on CCTV dancing in the venue beyond the permitted opening hours at 03:38. Mr Yuce advised that was

#### LICENSING SUB-COMMITTEE - 25.11.2015

the usual time that people were kicked out of the premises. The camera had recorded the time and he could not tell the panel any more about it.

g. Councillor Delman asked about how crime and disorder related to the premises was proposed to be dealt with in the future. Mr Yuce stated that if he had been present at the venue himself there would not have been any trouble. He had been running the business for 12 years and there had been no trouble. If he was given permission to keep running the business he would be there in person. He confirmed it would be run as a members only club. He would provide CCTV cameras as required.

h. In response to Councillor Delman's further queries regarding strengthened conditions and whether they could be complied with, Mr Yuce advised that he did not object in principle to the proposed Condition 11 in respect of CCTV, and he had ordered the equipment, but felt there was no point paying for it.

i. Councillor Levy asked about any objection to proposed Condition 19 and introduction of a Club ID scan or suitable equivalent. Mr Yuce stated that he would not agree to installing a scanning system, but he would have a system for identification of customers before they were allowed to enter and that two types of identification would have to be provided. No-one would be able to apply for membership after 23:00. Anyone wishing to enter the club would have to press the buzzer and would be asked for their membership number. He would then check their details and if all was in order they would be allowed entry.

j. In response to Councillor Levy's further questioning that the entry system would rely entirely on his personal operation, Mr Yuce advised that the operation was only Thursday, Friday and Saturday nights.

k. In response to Councillor Levy's comment that Police had recommended the removal of the DPS and question whether there was a potential alternative DPS, Mr Yuce stated that the club could not afford to employ a DPS. He had already lost 50% of his customers. Imposition of the proposed conditions would be enough to close the business down.

l. In response to further queries by the Chair regarding whether Mr Yuce objected only to the recommendation of removal of the DPS and whether he accepted the other proposed conditions, Mr Yuce advised that he objected to nearly all the proposed conditions. He stated that if he had no entry after 23:00 the business would be finished, likewise if he had to employ two door supervisors that would be enough to close the business.

m. PC Fisher asked about how the business could be effectively managed to promote public safety. Mr Yuce stated that he had done well up until June 2015: the club had been members only and there had been no trouble. He had not asked the Licensing Authority to make it not members only.

n. PC Fisher commented that a membership policy could have effectively been kept going whether it was on the licence or not, and queried if without it there was no way of managing the venue. Mr Yuce advised that he had two doors with buzzers. PC Fisher noted that effective management from the bar area of this door system would be difficult and there was nothing to prevent customers opening the door and letting people in.

#### **LICENSING SUB-COMMITTEE - 25.11.2015**

- o. In response to further queries, Mr Yuce confirmed though he objected to installing a Club ID Scan he would not object to an effective membership scheme. He wanted the club to be for members only. He would be happy to devise his own system; and had been doing this previously with a requirement for photographic identification which was photocopied and attached to a membership form. If he had the power to control who came in he would be able to exclude trouble-makers.
  - p. Councillor Levy highlighted the requested reduction in licensing hours and whether the proposed closing time of 00:30 was felt to be agreeable. Mr Yuce advised that a last entry time of 01:00 would be acceptable, but wished to keep operational hours to 03:00. His regular customers played snooker until 03:00 and if hours were reduced he would lose customers.
- 6. The closing statement of Ellie Green, Principal Licensing Officer, that having heard all of the representations, the sub-committee must take steps as it considered appropriate for the promotion of the licensing objectives; and to assist, the relevant guidance issued by the Secretary of State and the Council's licensing policy were highlighted.
- 7. The closing statement of Ms Caroline Daly, on behalf of the Police, including the following points:
  - a. Mr Yuce had said that up until June 2015 there had been no problems at the premises, but this was not the case. PC Fisher's first witness statement on page 23 of the agenda pack listed a number of incidents. In December 2014 Mr Yuce had been assaulted at the venue, and there had been other concerns at other points in time, including 18 May 2014.
  - b. The meeting had heard some very confusing evidence from Mr Yuce, regarding the business's membership policy and how it was operated.
  - c. Mr Yuce considered himself the only person able to operate the business, yet he was not present on a number of occasions including when the two incidents occurred, and there may have been many others. This made him unsuitable to continue as DPS.
  - d. The serious nature of the two incidents, in such quick succession, was gravely concerning. On 24 October 2015 there was a glassing inside the premises and Police were not called. This was unacceptable. It was likely that such incidents would happen again. The venue was not supposed to be a night club. The business was not designed to Hoover up revellers from other licensed premises.
  - e. The sub-committee was asked to implement all the conditions which the Police suggested.
- 8. The closing statement of Mr Ali Besir Yuce, DPS and premises licence holder, including the following points:
  - a. If he had to implement any of the suggested conditions he would have to close the business as it would no longer be viable.
  - b. He had been unable to afford to pay for any legal representation for himself for this hearing.
  - c. The club could not afford to employ another DPS.

#### **LICENSING SUB-COMMITTEE - 25.11.2015**

- d. If the sub-committee decided to revoke the licence, that would be better for him than imposing the suggested conditions.
- e. At the moment he was paying rent for the club without having an operating business and he was not going to be able to continue.

#### **RESOLVED that**

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“Having listened to the evidence presented, the Licensing Sub-Committee after some discussion resolved to implement all conditions varied as outlined in Report No. 125 to promote public safety and to stop further public disorder.

The Licensing Sub-Committee believes that the Metropolitan Police Service made its case in full and was satisfied that the proposed variations to the licence were necessary, and proportionate.

Under questioning, Mr Yuce conveyed the impression that the premises and the licence could only be operated effectively under his management.

The Licensing Sub-Committee was not convinced by his answers, aggravating factors being that he wasn't present at the time of the two serious incidents that brought about the review.

We were not convinced that he can operate the licence currently and his resistance to the proposed changes we are now making enhances this view.”

3. The Licensing Sub-Committee resolved that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:
  - to remove the designated premises supervisor;
  - to reduce terminal hours of all licensable activity to 00:00;
  - to modify the conditions of the licence including the Metropolitan Police proposed conditions as set out in Annex 06;
  - to suspend the licence until all conditions have been complied with.

**260**

**MINUTES OF PREVIOUS MEETING**

RECEIVED the minutes of the meeting held on Wednesday 21 October 2015.

**AGREED** that the minutes of the meeting held on 21 October 2015 be confirmed and signed as a correct record.