



## **Licensing Act Sub-Committee - Record of Hearing held on Tuesday 19 February 2008 at 6.00pm**

**MEMBERS:** Councillor Mrs MORRIS (Chairman); Councillor Mrs HEAPS and ELKIN.

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### **1 Declarations of Interest.**

Councillors Mrs Morris and Mrs Heaps declared a personal, non-prejudicial interest in item 2 as the review premises was situated across the road from the Liberal Democrat office.

### **2 Review of Premises Licence – La La Lounge, 133-135 Seaside Road.**

The Chairman introduced members and officers present and detailed the procedure to be followed at the meeting.

All parties had received additional information from the police within the required timescale.

Mr Vuranel had submitted further evidence in support of his case and the legal adviser reported that the evidence had not been submitted within the required timescale. The Sub-Committee used its discretion to permit the submission of the additional information in view of its relevance and with the agreement of the police, although Mr Brounger's comment that little opportunity had been given to consider the content of the letter was acknowledged.

The Licensing Manager advised the Sub-Committee that owing to unforeseen circumstances Mr Vuranel's consultant was unable to attend and represent him at the meeting. Following consultation with the Licensing Team on Monday 11 February, Mr Vuranel had decided not to seek an adjournment. Mr Vuranel confirmed that he was not represented and wished to proceed.

The Chairman advised Mr Vuranel to seek assistance at any point during the hearing if he found the proceedings or any of the presented evidence unclear.

The Licensing Manager outlined the report detailing the application for a review of a premises licence for the La La Lounge. Reference was made to the Council's Cumulative Impact Policy which was adopted on 25 July 2007 and that the premises were located within the area identified as being subject to the policy.

The Sub-Committee was advised that the Licensing Authority had carried out a number of inspections at the site and a summary of the findings were detailed in the report. A number of areas of concern had been raised with the designated premises supervisor relating to breaches of the licence and poor management practices. A further breach of the premises licence related to a failure to submit Electrical and Emergency Lighting and Structural certificates, despite several reminders.

Chief Inspector Coates had made an application for a review of the premises licence on behalf of Sussex Police and had made written representations as a

responsible authority under the prevention of crime and disorder and the protection of children from harm objectives.

Mr Brounger stated that Sussex Police were seeking a revocation of the premises licence. The protection of children from harm and prevention of crime and disorder licensing objectives had been seriously undermined as a result of the three test purchase failures, a failure to implement the actions agreed at a meeting with the police and the serious concerns regarding the standard of overall control of the premises.

It was stated that between February 2007 and March 2007 officers from Sussex Police had issued two fixed penalty notices to staff at the premises for serving alcohol to persons under the age of 18. Mr Vuranel, the Designated Premises Supervisor, had also made a sale to an underage person during a further test purchase operation in September 2007.

Mrs Irving referred to Home Office guidance that a prosecution should always be pursued in cases of a designated premises supervisor selling alcohol to underage persons given the serious nature of the offence and that a case was pending against Mr Vuranel.

Sgt Cochran was referred to his witness statement submitted as evidence to the Sub-Committee and he confirmed that the contents were a correct record of his visits made to the premises during 2007.

Following the second test purchase failure, Sgt Cochran had met Mr Vuranel to discuss the concerns of the police and the serious consequences of selling alcohol to persons under the age of 18. Sgt Cochran stated that at the meeting, advice and support were offered and instructions had been given to staff on preventing future underage sales. A letter confirming a number of agreed actions was sent to Mr Vuranel on 23 April 2007.

Following the third test purchase failure in September 2007, a further visit was made to the premises in November 2007 with members of the Council's licensing team. During the inspection it was clear that Mr Vuranel, who was present on the evening concerned, was allowing dancing on the first floor of the premises, in breach of the premises licence.

Sgt Cochran made reference to the failure of Mr Vuranel to provide a working copy of the CCTV footage of the test purchase operation in September 2007.

Sgt Cochran stated that overall Mr Vuranel had largely failed to act responsibly as a designated premises supervisor and implement the actions requested by the responsible authorities to address the concerns raised.

Mr Vuranel was supplied with contact details and at no time did he make contact with the police for further information or advice.

In response to questions from the Licensing Manager regarding the incidents of public place violent crime (PPVC) for Seaside Road, Sgt Cochran reported that an analysis carried out on crime and disorder in Eastbourne indicated that a disproportionate amount of the town's crime occurred in the area designated by the Cumulative Impact Zone. In the 12 months from October 2006 to September 2007, 752 public place violent crime offences took place in the zone, representing nearly half of recorded PPVC in Eastbourne.

Seaside Road had seen 48 reports of PPVC during the last 12 months, making it the fifth busiest street for such incidents in the town. Information had also been supplied which recorded 30 ambulance callouts related to crime and disorder located at Seaside Road. The Sub-Committee was advised that the information supplied by CADDIE was presented to comply with data protection.

It was not possible to say how many of the incidents recorded were attributable to activities taking place at the La La Lounge. The Sub-Committee noted that the La La Lounge was not included in the list of most common licensed premises where PPVC occurred between October 2006 and September 2007 and that no link could be made to the premises for the majority of the serials analysed for the period 20 January to 3 November 2007.

Sgt Cochran reported that in his opinion, the premises had had a negative impact on crime and disorder and had attracted youth disorder to the area. He referred to an allegation of a serious assault on a member of the public by a member of the door staff employed at the premises and on duty at the time of the assault on 3 November 2007. On this occasion the door staff had been directly employed by an outside agency and that the door supervisor suspected of the offence had had his licence revoked. A copy of the CCTV footage of the incident was requested to assist the investigation into the assault but this had not been provided by Mr Vuranel.

In response to a question from the Chairman regarding the use of test purchase operations, the Sub-Committee was advised that police cadets who were considered to be clearly under the age of 18 were selected. They were told not to lie about their age and once inside the premises the cadets were observed by police officers. Premises were selected for test purchase operations in response to intelligence received that underage alcohol sales were being made.

Staff serving alcohol at the premises were responsible for challenging any person for identification if they looked under 21. Sgt Cochran stated that in his opinion there could be no doubt that the cadets were under 18 years although no photographs of the cadets were available at the Sub-Committee.

Mr Broughton summarised the police's serious concerns of poor management at the premises given the three test purchase failures by three different members of staff, including the designated premises supervisor, the use of unlicensed door supervisors and an incident of serious assault at the premises and the inadequate responses to the requests for CCTV footage by the police. With reference to the proposed sale of the premises by Mr Vuranel, Mr Broughton stated that this could not be guaranteed and the review application should be considered based on the current position with Mr Vuranel as the current licence holder and on the evidence submitted.

The Pollution Services Team, Environmental Health had also made representations as a responsible authority under the public nuisance licensing objective. Mrs J Hickling, Environmental Health reported that since the club opened, previously in the name of Ice Cube, there had been a number of complaints regarding loud music emanating from the premises causing noise and vibration to the flats above the premises.

Mr Vuranel had been advised regarding the requirement for adequate noise control and that whilst background music in the bar area, provided it was carefully monitored, may be acceptable, any DJ's or other forms of music would cause a nuisance. In May 2007 Mr Vuranel was advised that the problem with

noise and vibration nuisance may be due to inadequate soundproofing rather than excessive volumes and that further work may be required to the structure of the building if levels required to prevent nuisance were considered too low for entertainment purposes.

When the premises opened as the La La Lounge in September 2007 complaints of noise nuisance were received as soon as the bar re-opened. On 29 September 2007 following complaints received regarding noise nuisance from the flats above and surrounding residential properties, a visit was made to the premises and a noise nuisance was witnessed. The floors and furniture of the flats above the premises were vibrating and the music could be clearly heard.

A Noise Abatement Notice was served on 2 October 2007 and had been breached on 1 December 2007. During this time complaints were received regarding noise from customers using the decking area at the rear of the premises, which appeared to have been erected without planning permission.

The Sub-Committee was advised of the Council's formal guidance on noise control which stipulates that amplified music or other entertainment noise from within the premises should be inaudible within any residential premises at any time.

Environmental Health considered that currently, the premises did not have the necessary structure to be able to meet this standard, and that changes to the licence were required to protect residents against further noise and vibration problems. Two options were proposed to either remove all forms of regulated entertainment from the licence or that the premises should be adequately soundproofed.

Mrs Hickling reported of the numerous attempts at mediation to address the issues of noise nuisance at the premises. It was noted that a noise limiter was not always a suitable solution, particularly in a structurally poor building.

Mr Vuranel addressed the Sub-Committee and outlined his current business operations. He had held a licence for 9 years and in addition to the La La Lounge, he had also managed premises in Bexhill for the past 5 years with no reported problems. Since the failings that had occurred in 2007, he stated that he had taken steps to improve the management of the premises. The under 21 policy was being followed and signs were displayed at the premises. The requirements of the police had been complied with in the following areas:

- Employment of 2 SIA door supervisors at busy times, have particular regard to the toilets and record visits made.
- A strict entrance policy to be followed by door supervisors and a requirement for photo identification if a person was suspected to be underage.
- The requirement to have a signed document to be kept with the names of persons authorised to sell alcohol.
- To keep an incident logbook with any calls to the police logged appropriately.

Staff had been given training regarding alcohol sales and the prevention of drug use at the premises. In response to questions he indicated that staff had received practical training although no documentary evidence of this had been submitted. Photo identification in the form of a passport or driving licence was required if a person appeared underage.

He acknowledged some difficulties with managing two premises and that managers employed to run the La La Lounge had not proved successful.

The failures in respect of the three test purchases were acknowledged. The second test purchase incident was carried out by Mr Vuranel's sister during a shift change of bar staff. Mr Vuranel stated that during the third test purchase he believed the person to be over 20. As the test purchases were carried out during weekdays, no door supervisors had been present.

He explained that owing to his financial position he had not joined Nightwatch as recommended by the police. He was a member of a similar scheme in Bexhill as it was considerably less expensive.

With reference to the CCTV system he stated that he had been unable to provide a copy of the tape as evidence of the test purchase operation owing to a fault with the system. The police had been shown the incident via the monitor. He stated that he had cooperated with the police and provided a copy of the tape following the assault at the premises. Mr Vuranel had noticed the system was not recording but that it was set immediately when the fight was witnessed.

The unlicensed door supervisor suspected of involvement in the incident was contracted through an external company and Mr Vuranel was unaware that his licence had been revoked. With reference to the visit by the police and licensing officers and the incident of dancing on the first floor, this involved a few individuals following a party and there was no designated dance floor or loud music.

He advised that the outstanding certificates had been completed and would be submitted to the licensing team. Mr Vuranel stated that an offer had been made on the premises and that the potential purchase could be at risk if the licence was revoked. It was noted that the premises had been closed since 2 January 2008.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted and the further evidence presented at the meeting, the four licensing objectives and the Council's Statement of Licensing Policy. Advice had been sought from the legal advisor regarding the options open to the Sub-Committee and conditions which could be attached to the licence.

Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

**RESOLVED:** That the premises licence in respect of the La La Lounge is revoked for the reasons as set out in the attached appendix.

The meeting closed at 09.07p.m.

**Mrs S Morris**  
**Chairman**

# Eastbourne Borough Council

## Decision Notice

### Licensing Act Sub-Committee held on Tuesday 19 February 2008

- Premises Licence Holder:  
Premises:
- Mr Mehmet Vuranel  
La La Lounge  
133-135 Seaside Road  
Eastbourne  
BN21 3PH
- Reasons for Hearing:
- Relevant representations received from Sussex Police and Environmental Health under the public nuisance, prevention of crime and disorder and the protection of children from harm licensing objectives.
- Parties in attendance:
- Premises Licence Holder – Mr M Vuranel
- Responsible Authorities:  
Sussex Police – Sgt. G Cochran, Inspector Lee, Mrs J Irving (Public Safety & Licensing Manager) and Mr D Broughton (Barrister)  
Environmental Health- Mrs J Hickling and Mr R Fenton (Pollution Services Team)  
Licensing Authority - Miss K Plympton and Mrs C Groves
- Decision made:
- That the Premises Licence is revoked.
- Reasons for Decision:
- The Sub-Committee has revoked the Premises Licence having given due weight to the evidence placed before it, as well as the regulations and guidance under Section 182 of the Licensing Act 2003, the Council's Licensing Policy, and the licensing objectives.
- The Sub-Committee considered that the police and Environmental Health (Pollution Services Team) had provided sufficient evidence of crime and disorder, public nuisance and issues relating to the protection of children from harm, resulting in the licensing objectives being undermined, and that the only course available to them on the facts provided was to revoke the licence to ensure that the licensing objectives were met.
- The Sub-Committee had particular regard to the evidence put before it that there had been a consistent failure at the premises in relation to the sale of alcohol to underage persons, and that the Designated Premises Supervisor was responsible for one of the three test purchase failures where alcohol had been sold to underage persons.

The use of unlicensed door supervisors at the premises and the breach of a noise abatement notice were of particular concern and were matters to which the Sub-Committee gave due regard.

It also considered that Mr Vuranel had failed to adequately respond to the advice given by the police and the Council's Licensing Team, as well as other responsible authorities in addressing licensing breaches, the issues of poor management and supervision of the premises, as well as a failure to implement steps to ensure the promotion of the licensing objectives.

In general terms, all the matters relating to the lack of managerial control and supervision, test purchase outcomes and a failure to implement changes to adequately address the issues were admitted by Mr Vuranel.

Date of Decision: 19 February 2008

Date decision notice issued: 25 February 2008

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

### **RIGHT OF APPEAL**

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant for the review, the holder of the premises licence and any other person who made relevant representations in relation to the application.

Full details of all the rights of appeal can be found within Schedule 5 of the Act. If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.