

AGENDA

Licensing Sub-Committee 1

Thursday, 19 December 2019 AT 14:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

NOTE TO MEMBERS: Councillors Mrs Bradley, Meller and Morton will attend this Sub Committee as members and Councillor Dr Tickner will attend as substitute.

Appointment of Chairman for the Meeting

To appoint a Chairman of Licensing Sub Committee 1 for the meeting.

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

PART A

To be considered when the Public and Press are present

**A.1 APPLICATION FOR REVIEW OF PREMISES LICENCE BY CUMBRIA
CONSTABULARY - THE PIZZA BASE, LONSDALE STREET**

3 - 36

The Licensing Manager to submit an application for the review of a premises licence in accordance with Section 51 of the Licensing Act 2003 for The Pizza Base, Lonsdale Street, Carlisle.
(Copy Report GD.70/19 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

- NIL -

Members:

Conservative: Bainbridge, Morton, Meller (sub), Shepherd (sub)

Labour: Mrs Bradley, Dr Tickner (sub)

Enquiries, requests for reports, background papers etc to:

Rachel Plant, Democratic Services Officer, (01228) 817039 or
rachel.plant@carlisle.gov.uk

Report to Licensing Sub-Committee

Agenda
Item:

A.1

Meeting Date: 19th December 2019
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Within Policy and Budget Framework YES
 Public / Private Public

Title: The Pizza Base, Lonsdale Street, Carlisle (PL149)
 Application to review a premises licence by Cumbria Constabulary
 Report of: Corporate Director of Governance and Regulatory Services
 Report Number: GD 70/19

Purpose / Summary:

The Licensing Authority has received an application for the review of a premises licence in accordance with Section 51 of the Licensing Act 2003. The Sub-Committee is asked to consider the request in light of the representation that has been made by Cumbria Constabulary.

Recommendation:-

It is recommended that the Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. Summary of Application

- 1.1. In accordance with Section 51 of the Licensing Act 2003 an application has been received from Cumbria Constabulary for a review of the premise licence relating to The Pizza Base, 4-10 Lowther Street, Carlisle (PL149).
- 1.2. The application for the review is attached at **Appendix 1**.
- 1.3. Copies of the application were sent to the premises licence holder and Responsible Authorities.
- 1.4. The application has been advertised on the premises, at the Council offices and on the Council website as required by statute for a 28 day period.
- 1.5. The grounds for the review are that on Saturday 5th October 2019, alcohol from the premises was ordered over the telephone and delivered to a property in the Carlisle area by The Pizza Base. The alcohol was purchased and paid for by children. As a result of consumption of the alcohol, two 13 year old girls were admitted to A&E at the Cumberland Infirmary.
- 1.4 Mr Niyazi Enver is the Premises Licence holder and Gokcan Sevin, is the designated premises supervisor.
- 1.5 The Licensing authority must, having regard to the application and any relevant representations, take such steps it considers necessary for the promotion of the licensing objectives. These steps are:
 - (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated supervisor;
 - (d) to suspend the licence for a period not exceeding 3 months;
 - (e) to revoke the licence
 - (f) Issue an informal warning to the Licence holder and/or to recommend improvement within a particular time

2. Premises History

- 2.1. The premises was first licensed under the Licensing Act 2003 on 11 July 2005 as a restaurant named Leonardo's.
- 2.2. The licence was transferred to the current licence holder, Mr Niyazi Enver, on 28th January 2010.

- 2.3. A copy of the premise licence is attached at **Appendix 2 which details the licensable activities allowed during the hours shown.**
- 2.4. The licence is also subject to a number of conditions.
- 2.5. The current Designated Premises Supervisor (DPS) is Mr Gokcan Sevin who holds a Personal Licence (PA1372), issued by Carlisle City Council. Mr Sevin took over the duties of DPS on 19th June 2018.
- 2.6. On the 23rd August 2019 Licensing Officers carried out an inspection of the premises to ensure compliance with the premises licence. Concerns were raised by Licensing Officers as the licence conditions were not reflective of the current business. The Premises was difficult to inspect alongside licence conditions which were inherited from the old club/restaurant premises.
- 2.7. Arrangements were made for the licence holder to attend the Civic Centre on 11th October 2019 to meet with Licensing Officers with a view to varying the licence so that it was fit for purpose and reflected the current offer of the premises.
- 2.8. However before this meeting was held the Licensing Authority was made aware of a complaint that a sale and delivery of alcohol had been made from The Pizza Base which resulted in two 13 year old girls attending the A&E Department of The Cumberland Infirmary due to the effects of consumption of this alcohol.

3. Circumstances leading to a review

- 3.1. On the 7th October 2019 Licensing received a complaint via Cumbria Police that alcohol had been sold and delivered to a 13 year old child by The Pizza Base. This resulted in in the young person and her friend being hospitalised for observation due to the effects of consuming alcohol.
- 3.2. Licensing Officers visited the premises on Tuesday 8th October 2019 and a request was made to look at their receipts and ascertain the name of the delivery driver. The Designated Premises Supervisor (DPS), Mr Sevin, informed officers that telephone order receipts were thrown away on a nightly basis and that the delivery driver concerned was currently on holiday.
- 3.3. Statements were taken from Child A and Child B in the presence of their parent to ascertain their version of events (**Appendix 3**). With the written permission of the parent photographs were also taken of Child A and Child B and will be available for Members of the Sub-Committee at the hearing but will not be placed in the public domain.

- 3.4. As a potential offence had been committed the Police Licensing Officer, PC Mike Watson was requested to be involved in the PACE interviews of the DPS, Mr Sevin and the delivery driver Mr Ferdun Fahriev Ibryamov.
- 3.5. Language Line was commissioned to provide a Turkish interpreter for Mr Ibryamov's interview as Mr Sevin had informed the Licensing Officer that Mr Ibryamov was unable to speak English.
- 3.6. As a result of the above PC Watson on behalf of Cumbria Police made a formal request for a review of the Premises Licence PL149 on 5th November 2019. PC Watson details the content of the above PACE interviews with Mr Sevin and Mr Ibryamov and states that there is great concern in the way that Mr Sevin is operating the premises in relation to the sale of alcohol and ask that the Sub-Committee consider the removal of the sale of alcohol for on and off sales.

4. Summary of Representations

- 4.1. The application for review of the premises licence was advertised in accordance with statute for a 28 day period.
- 4.2. During this period no formal representations were received by the Licensing Authority but concerns regarding the premises were raised by both the Health and Wellbeing Team and the Parking Services Team at Cumbria County Council and the Home Office, Immigration, Compliance & Enforcement Team.
- 4.3. The Health and Wellbeing Team raised concerns that a lady known to the team has been getting regular deliveries of alcohol from a takeaway. They believe that the lady would be intoxicated and would appear unkept and unwell to drivers. A neighbour of the lady, without any prompting or suggesting, informed the team that the deliveries were always from The Pizza Base.
- 4.4. The Parking Team informed the Licensing Department of an assault on a Parking Enforcement Officer by a delivery driver from The Pizza Base in August 2019. The Officer was head butted after he issued a fixed penalty charge notice (PCN) due to a parking contravention as to the no loading restriction on Lonsdale Street. The driver received an Adult Caution from Cumbria Police for the offence.
- 4.5. Officers from the Home Office Immigration, Compliance & Enforcement Team attended the premises on 23rd August 2019 alongside the Licensing Authority. One Nigerian male was encountered who was working in Breach of his visa. The subject was paid £100 pounds for 20 hours work and was receiving cash in hand.

- 4.6. When the subject was interviewed he admitted that he had never shown any documentation to the manager to show that he could work and he also stated that he was never asked to provide ID.
- 4.7. The subject was bailed by Immigration as the subject had a return flight booked and a Referral notice was served on the business.

5. Determining the application

- 5.1. In undertaking its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 5.2. When determining an application for the review of a premises licence, due regard should be given to the Council's Licensing Policy and the Secretary of State's Guidance.
- 5.3. The committee in its determination can take one or more of the following steps as it considers appropriate for the promotion of the licensing objectives:

6. Legal Position

- 6.1. The licensing authority must determine the application in accordance with Section 52 of the Act, which outlines the circumstances whereby a hearing is required and the options available to the committee when determining the application.
- 6.2. An appeal may be made to the magistrates' court against the decision of the authority by the responsible authority, interested party or premises licence holder, within 21 days from the date of being notified.
- 6.3. Section 52(11) provides that a determination under this section does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

7. Risk Management Implications

- 7.1. By determining the application in accordance with the relevant sections of the Act, the statement of licensing policy and guidance offered by the secretary of state, the licensing authority is ensuring that the all of the licensing objectives are considered fully.

8. Reason For Decision/Recommendation

- 8.1. The Licensing Authority has received an application from the Cumbria Constabulary for the review of the premises licence relating to the premises The Pizza Base, Lonsdale Street, Carlisle. They have stated that the grounds for the review are the current risks to the safety of public in relation to increased crime & disorder, and public nuisance
- 8.2. The application will be determined in accordance with the relevant sections of the Act, the statement of licensing policy and guidance offered by the secretary of state

9. Recommendation

- 9.1. The Licensing authority must, having regard to the application, the Licensing Objectives and any relevant representations, take such steps it considers necessary for the promotion of the licensing objectives.
- 9.2. It is recommended the Committee determines the application in accordance with one of the following actions:
- take no further action
 - to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated supervisor;
 - to suspend the licence for a period not exceeding 3 months;
 - to revoke the licence
 - Issue an informal warning to the Licence holder and/or to recommend improvement within a particular period of time

Contact Officer:

Nicola Edwards

Ext: 7025

Appendices

attached to report:

1. Application for the review of a premises licence
2. The Pizza Base Premises Licence PL149
3. Supporting Papers (Statements & Copy of Receipt)

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS:

LEGAL – By determining the application in accordance with the relevant sections of the Act and the statement of licensing policy and guidance offered by the Secretary of State the licensing authority is ensuring that all of the licensing objectives are considered fully.

FINANCE – none

EQUALITY – none

INFORMATION GOVERNANCE – none

CA12

Carlisle City Council
Licensing Manager, Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk



pl[Insert name and address of relevant licensing authority and its reference number (optional)]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I am PC 1883 Mike WATSON (POLICE LICENSING OFFICER)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description PIZZA BASE 4-10 LONSDALE STREET, CARLISLE, CUMBRIA.	
Post town CARLISLE	Post code (if known) CA12DB

Name of premises licence holder or club holding club premises certificate (if known) Mr Gokcan SEVIN (DPS) Mr Niyazi ENVER (Premises Licence)
--

Number of premises licence or club premises certificate (if known) PL149
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

April 2017

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

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 1883 MIKE WATSON DURRANHILL POLICE STATION BRUNELL WAY DURRANHILL INDUSTRIAL ESTATE CARLISLE CA13NQ
Telephone number (if any) 101
E-mail address (optional) mike.watson@cumbria.police.uk

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

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

Please tick one or more boxes ✓

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

On Monday 7th October 2019 I received an email from a police call handler in relation to a complaint from a parent of a thirteen year female who had been sold alcohol via a home delivery from Pizza Base takeaway Carlisle on Saturday 5th October 2019. The delivery consisted of a bottle of Vodka and a bottle of Apple Sourz where no age verification was requested by the delivery driver as he handed over and received payment of thirty pounds for the alcohol from persons aged between thirteen and fifteen years old. As a result of this alcohol being consumed the parent stated that her daughter became intoxicated and was taken to the Cumberland Infirmary where she was hospitalised while observations were carried out on her daughter.

I have seen statements from two thirteen year olds which state that an order for alcohol was made to Pizza base via the telephone at the start of a birthday party and when the delivery was made no age identification was asked for by the driver. The payment was made by the thirteen year old girls and a boy aged fifteen at the house front door. They state that the driver spoke very limited English and that other under eighteens were at the location.

On Thursday 31st October 2019 I was present during two taped interviews with DPS, Mr Gokcan SEVIN and the delivery driver Mr Ferdun Fahriev IBRYAMOV where a Turkish interpreter was used.

As a result of the interviews it became apparent that training and a system was lacking within the business to identify the age of the customer making the order for the delivery of alcohol over the telephone and then at the point of sale. In this case money is handed over when the customer receives the delivery on the door step of the delivery address which is when the point of sale is made. None of the usual age verification documents for example a driving licence, passport were requested by the delivery driver so at no stage was any age checks made by any Pizza Base staff during this transaction even when they adopt a Challenge 21 or 25 policy. Mr IBRYAMOV stated during interview that he did not ask for any age identification and based his decision to hand over the alcohol on the fact that the females were wearing make-up and the boy had just exited a parked car as he arrived at the premises to make the delivery.

Mr IBRYAMOV spoke virtually no English when I met him for the interview which is clearly a problem when speaking to the public while carrying out his delivery duties. It presents a clear obstacle to ask the most basic questions when determining the age of a person for the sale of alcohol.

Mr SEVIN stated that he carried out the training to his delivery drivers and although he provided a signed document to say Mr IBRYAMOV received training it is clear that no adequate training takes place. Mr SEVIN stated that his training consists of telling his staff not to sell alcohol to people under age people but does not give any training to his staff to assist in identifying persons under the legal age who are persistent in trying to buy alcohol. Mr SEVIN in my opinion does not have a sufficient understanding of his alcohol licence and the sale of alcohol which became apparent when he could not tell me the four licensing objectives one of which is the Prevention Of Harm to Children.

On this occasion due to Pizza Base not make adequate checks to establish the age of the customer for the sale of alcohol a thirteen year old girls was admitted to hospital due to the effects of alcohol as a result of this sale. Luckily on this occasion there appears to be no long lasting issues.

PL149 clearly states that:-

The following conditions shall apply from 1st October 2014

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either -

(a) a holographic mark, or

(b) an ultraviolet feature.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

A staff induction programme is in place giving appropriate training under all four licensing objectives.

The protection of children from harm

The premises will operate a Challenge 21 policy for the sale of alcohol.

I have great concern in the way Mr SEVIN is operating premises in relation to the sale of alcohol and ask you to consider the above.

Cumbria police request consideration of reviewing the premises licence for:-

1/ The removal of the sale of alcohol for on and off sales.

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

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

.....

Date

5/11/2019

Capacity

Police Sergeant 603

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

City of



Carlisle

Licensing Act 2003

Premises Licence

PL149

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Pizza Base

4-10 Lonsdale Street, Carlisle, Cumbria, CA1 1DB.

Telephone 01228514773

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
C. Indoor sporting event	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
E. Performance of live music (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
F. Playing of recorded music (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
G. Performance of dance (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day

NOT Printing Summary





City of

Carlisle

Licensing Act 2003

Premises Licence

PL149

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To	
I. Late night refreshment (Indoors & Outdoors)	Sunday to Saturday	11:00pm	3:00am	Indoors only
	Sunday to Saturday	11:00pm	5:00am	Outdoors sales only
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Saturday	10:00am	3:00am	Through to the start of permitted hours next day
	New Years Eve			

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To	
Sunday to Saturday	10:00am	5:00am	May open at such other times for non licensable activities as determined by licence holder

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises
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Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Niyazi Enver	45 Keld Road, Carlisle, Cumbria, CA2 7QX. Telephone 01228 515241 or 01228 514773
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

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

Gokcan SEVIN	16 Oswald Street, Carlisle, Cumbria, CA1 2LX. Telephone 07447 963660
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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA1372	Issued by Carlisle
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ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions are subject to amendment by central government. It is the licence holder's responsibility to ensure that they are up to date with any changes in legislation.

Mandatory conditions where licence authorises the supply of alcohol

NOT Printing Summary





ANNEXES continued ...

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The following conditions shall apply from 28th May 2014

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1 -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and





ANNEXES continued ...

- (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7)

The following conditions shall apply from 1st October 2014

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

A staff induction programme is in place giving appropriate training under all four licensing objectives.

The prevention of crime and disorder

CD1

A method of communicating with other participating licensed premises by way of text / pager or radio links shall be provided at the premises.

CD6

Door supervisors shall be provided at the premises door from 21.00 hours to closing time, to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for private functions upstairs.





ANNEXES continued ...

CD8

A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:

- a) the door supervisor's name, date of birth and home address
- b) his/her Security Industry Authority licence number
- c) the time and date he/she starts and finishes duty
- d) the time of any breaks taken whilst on duty
- e) each entry shall be signed by the door supervisor

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

CD9

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

Public safety

PS6

All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with slip resistant even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.

PS8

All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.

PS10

All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.

PS12

The method of opening any exit door or gate from the premises or enclosure(s) surrounding it shall be clearly displayed immediately above or below the fastening in white block lettering on a green background in letters not less than 50 mm high.





ANNEXES continued ...

PS14

Where a fire-resisting door is fitted within the premises and that door is required to be kept closed at all times then the door shall be clearly marked on both sides with a sign bearing the words "FIRE DOOR KEEP CLOSED" in block letters not less than 50mm high and clearly visible when the premises are open to the public.

PS18

The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.

PS21

The premises shall be maintained so that the following fire retardancy standards are complied with:

- (i) All upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.
- (ii) All repairs or refurbishment of existing seating or upholstery shall include the removal of untreated polyurethane foam and its replacement by fillings which conform to the Furniture and Furnishings (Safety) Regulations 1988 (as amended).
- (iii) Carpets - B.S.4790 low radius of spread.
- (iv) Walls and Ceilings - Circulation areas, Building Regulations. Class O General Areas, B.S.476 Class1.
- (v) All artificial foliage, floral decorations or any other decoration provided on the premises shall be of inherently flameproof material.

PS22

Where any furnishing or fitting in the premises including wall, floor and ceiling linings, requires further periodic treatment to maintain the surface spread of flame qualities, they shall be treated in accordance with the manufacturers specifications. When such treatment is carried out, a written record shall be made in the logbook kept for that purpose and a certificate showing the treatment has been carried out shall be obtained and retained for inspection by the Fire Authority.

PS23

No curtain, hanging or any other decoration shall be positioned so as to obstruct any exit, sign or fire fighting equipment. Curtains covering doorways should be divided down the middle and so hung that the lower edge of the curtain does not touch the floor. They should not obstruct notices, exit signs, fire fighting equipment etc.

PS24

At all times when the premises are used for the purpose of the licence, the licence holder, or designated





ANNEXES continued ...

premises supervisor who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if requested to do so give that information to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

PS25

Printed notices shall be prominently displayed in the premises detailing the essential steps that must be taken if a fire is discovered or the fire alarm goes off or other emergency arises and how to call the Fire Service.

PS27

Any outbreak of fire of any kind shall be reported to the Fire Service immediately and a written record shall be made in a logbook kept for that purpose.

PS71

Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook. A satisfactory NICEIC (or equivalent) inspection report will be provided annually* to the Licensing Authority.

PS72

The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarm Systems for buildings. The results of the tests will be recorded in a log book. A satisfactory inspection report will be provided annually to the Licensing Authority.

PS76

Fire fighting equipment shall be provided throughout the premises at suitable locations and be appropriate to the risk to comply with BS 5306 Part 8, Selection and Installation of Portable Fire Extinguishers.

PS78

Firefighting equipment shall be examined regularly by the manufacturer or other competent person and maintained and tested in accordance with BS 5306 Part 3, 2000.

Fire fighting equipment shall be provided throughout the premises at suitable locations in accordance with the requirements of the Fire Authority.

The management team will adhere to the permitted safe maximum occupancy.

The prevention of public nuisance

No further measures are considered necessary.

The protection of children from harm

The premises will operate a Challenge 21 policy for the sale of alcohol.





City of

Carlisle

Licensing Act 2003

Premises Licence

PL149

ANNEXES continued ...

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable





Licensing Act 2003

Premises Licence Summary

PL149

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Pizza Base

4-10 Lonsdale Street, Carlisle, Cumbria, CA1 1DB.

Telephone 01228514773

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
C. Indoor sporting event	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
E. Performance of live music (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
F. Playing of recorded music (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
G. Performance of dance (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Saturday New Years Eve	10:00am	3:00am Through to the start of permitted hours next day

Printing Summary





City of

Carlisle

Licensing Act 2003

Premises Licence Summary

PL149

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To	
I. Late night refreshment (Indoors & Outdoors)	Sunday to Saturday	11:00pm	3:00am	Indoors only
	Sunday to Saturday	11:00pm	5:00am	Outdoors sales only
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Saturday	10:00am	3:00am	Through to the start of permitted hours next day
	New Years Eve			

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To	
Sunday to Saturday	10:00am	5:00am	May open at such other times for non licensable activities as determined by licence holder

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises
--

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Niyazi Enver	45 Keld Road, Carlisle, Cumbria, CA2 7QX.
--------------	---

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

--

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



Gokcan SEVIN

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

--

Printing Summary



  Be a DEVIL, treat yourself!

Address: [REDACTED]
Telephone: [REDACTED]
Postcode: [REDACTED]

Pizza Base

Time Ordered: 1:24

House Voted 7001	
Apele sourz	
↑ \$30.30	

4 -10 Lonsdale Street, Carlisle. Tel: 591800
www.pizzabasecarlisle.com

OPEN 7 DAYS A WEEK, 11 AM TILL LATE

EAT IN OR TAKEAWAY
Delivery Service - Carlisle From £1.50

ORDER ONLINE
www.pizzabasecarlisle.com

Jump The Queue-Order Ahead
01228 591 800

4 -10 Lonsdale Street, Carlisle CA1 1DB
(we have moved opposite the Bus Station)

CARLISLE CITY COUNCIL
WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3a) and 5B, MC Rules 1981, r.70)

Statement of _____

Age if under 18 (if over 18 insert 'over 18') 13yrs

Page 1 of ...1.....

This statement consisting of 2 pages all 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.

Dated the 24 day of October

Signature _____

I am _____ 13yrs and I live with my family at _____ Carlisle. On Saturday 5th October 2019 my parents were going out and I had asked them if I could stay at home and go out with a couple of my friends. They agreed but told me it would be fine for only a couple of friends to be allowed in the house at any time and that they would get one of our neighbours to keep an eye on me. They then left the house.

At about 1130am I was in the house with two female friends getting ready to go out when several other boys and girls arrived, as one of my friends had told them there was a 'free house' at my house. In total there would have been no more than 10 of us in the house and none of us were older than 15yrs.

It was suggested by someone that we should buy some Vodka and Apple Sourz and my friend _____ 13yrs telephoned Pizza Base from my house, using my mobile phone and ordered a bottle of Vodka and a bottle of Apple Sourz to be delivered to my house. I was present when she did this. It was sometime after 1:00pm when she phoned Pizza Base and they took the order. A short time later the delivery driver arrived at the house and

walked up the drive and knocked on the door. One of the boys at the party, [REDACTED] who I believe is 14yrs old answered the door to the delivery driver and shouted to us that the driver needed paying for the drink and so [REDACTED] handed over a £10 note to the driver and at that time I was at the base of the stairs in view of the driver and handed over a further £21 to the [REDACTED] who handed it to the driver. [REDACTED] was given 70p change, the alcohol in a white carrier bag and a receipt for the order. The delivery driver was not English and he had tanned skin and did not ask for any type of identification. In any case no identification could have been given as no one in the house was over 18yrs and the oldest could have been only 15yrs old at most.

We shared the drink out mostly between the girls as they had paid for it and I drank Vodka and Apple Sourz. This eventually made me drunk and unwell (sick) and I remember being taken to the hospital where [REDACTED] was also unwell where we were monitored for over 3hrs and eventually allowed home.

Signature

[REDACTED]

Signature witnessed by

[REDACTED]

CARLISLE CITY COUNCIL

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3a) and 5B, MC Rules 1981, r.70)

Statement of _____

Age if under 18 (if over 18 insert 'over 18') 13yrs

Page 1 of ...1.....

This statement consisting of 1 pages all 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.

Dated the 23 day of October 2019

Signature _____

I am _____ aged 13yrs and I reside with my parents in _____ Carlisle.

On Saturday 5th October 2019 I visited my friend _____ who is also 13 years old, at her home in _____ Carlisle. During my visit, there were several other children present all of a similar age to ourselves.

Someone suggested buying some alcohol from Pizza Base and at about 1:00pm one of the girls, called _____, aged 13yrs, placed a telephone order with for Vodka and Apple Sourz with Pizza Base by using _____ mobile phone.

The delivery driver, a man, arrived at the house at about 1.30 pm and he was met at the door by a lad called _____ who I believe is 14yrs. _____ handed over £20 that _____ passed to him and I then handed over another £10 to the driver himself. We were all just inside the doorway and in clear view of the delivery driver.

The driver then handed over the alcohol with a receipt and the change before leaving. At no time was anyone asked to confirm our age or identification although I believe no one in the house was over 15yrs old.

I drank some of the alcohol with others and became very ill. I was later taken to hospital and kept in for observations for around three hours.

Signature _____ Signature witnessed by _____

Home Address

[REDACTED]

.....
.....

Home telephone no
Business telephone no ... (mothers) .. [REDACTED]

Female Date and place of birth 02/3/06 (Carlisle)

Contact point if different from above ...
Address:

Telephone no

STATEMENT TAKEN BY (print name)

...F Watson (Licensing Office)

CARLISLE CITY COUNCIL

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3a) and 5B, MC Rules 1981, r.70)

Statement of [REDACTED]

Age Over 18..... (if over 18 insert 'over 18')

Page 1 of ...1

This statement consisting of one page 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.

Dated the 24th October 2019.....

Signature: [REDACTED].....

I am the mother of [REDACTED], aged 13 years, and our family reside at [REDACTED], Carlisle.

On Saturday 5th October 2019, it was agreed that she could remain at home whilst the rest of the family went out. She was allowed to invite a couple of friends to keep her company and on that understanding she remained in the house.

Later that same day on returning to the house I found that the living room and kitchen had been left in a disgusting state due to [REDACTED] and friends who had been drinking alcohol. Whilst cleaning the kitchen I did find a receipt from Pizza Bravo which I have handed to Officers from the Licensing Office.

[REDACTED] and her friend [REDACTED], 13years old, who had also been in the house, were both very unwell due to consuming the alcohol and as a result were taken to the Cumberland Infirmary where observations were maintained on them for over three hours.

I wish to make a complaint relating to the irresponsible sale and delivery of alcohol to children who were all well under age. My daughter informed me that the delivery driver carried out no verification to confirm the ages, nor ask for identification of the children, before supplying the alcohol to them.

I have allowed a photograph of [REDACTED] to be used for age specific purposes in any investigation or hearing but not for public viewing.

Signature [REDACTED]

Signature witnessed by .. [REDACTED]

CARLISLE CITY COUNCIL

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3a) and 5B, MC Rules 1981, r.70)

Statement of [REDACTED]

Age Over 18..... (if over 18 insert 'over 18')

Page 1 of ...1

This statement consisting of one page 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.

Dated the 23.10.19

Signature [REDACTED]

I am the mother of [REDACTED] aged 13 years and we reside in [REDACTED] Carlisle.

On Saturday 5th October my daughter, [REDACTED] visited her friend [REDACTED] at her home address in [REDACTED] Carlisle.

Later that same day I had to convey [REDACTED] to the Cumberland Infirmary, Carlisle, due to her condition following consumption of alcohol at [REDACTED] home address. [REDACTED] was kept under observations for about three hours by hospital staff and was later discharged.

I have allowed a photograph of my daughter to be used for age verification at any hearing in relation to the incident but do not consent for it to be placed in the public domain.

Signature .. [REDACTED]

Signature witnessed by [REDACTED]

Home Address

[REDACTED]

Home telephone no Business telephone no

[REDACTED]

Female

Date and place of birth

over 18 years

15.05.76 (Cavliste)

STATEMENT TAKEN BY (print name)

Fred Watson, Licensing Officer