

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Licensing Authority, Milton Keynes Council, Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Gemma McCormack officer of police for the Milton Keynes Police Area at part of Thames Valley police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.	[on behalf of] the chief
--	--------------------------

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Atesh, 599 Grafton Gate

Post town: Central Milton Keynes

Post code (if known): **MK9 1AT**

2. Premises licence details:

Name of premises licence holder (if known): 150824

Number of premises licence holder (if known): Mr Burhan ATES

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with

serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

At 01:30hrs on 27th December 2021, THAMES VALLEY POLICE received a call from MILTON KEYNES UNIVERSITY HOSPITAL stating that two males had presented with stab wounds at MKUH at approximately 01:20hrs. The first male had life altering injuries, the second male had life threatening injuries. The second male died on 28th December 2021 at MKUH. The investigation that followed identified that the males were stabbed following an altercation in the smoking area at ATESH, 599 GRAFTON GATE, CENTRAL MILTON KEYNES, MK9 1AT.

On police arrival at the premises, there were 10 door staff on duty at the premises and 2 managers, (the premises licence holder and a second manager). On speaking with officers door staff confirmed that there had been an altercation in the smoking area. They had seen a group leave the premises including a male who was injured and had blood on him. He sat on the ground by the door and then someone he was with took him by car away from the premises. Staff did not call emergency services. Two other males left the venue by climbing over the barrier at the smoking area and leaving by car.

Officers asked to view the CCTV at the venue, whereby the managers were initially evasive. They were reluctant to show CCTV to officers straight away, instead stating that they would provide it at some point during the day. This was later provided, however the initial refusal is a breach of condition 2.2 of the premises licence, which states:

2.2 Recordings shall be made available on request of the police or authorised officers to view or remove for evidential purposes.

The second manager was very argumentative with officers, he also refused to provide his details to officers. He eventually provided name and contact information, but would not give officers his address.

Officers requested that the management closed the event to preserve the crime scene. Initially the managers refused to do this voluntarily, but after further officers attended and it was explained that the Police could use their own powers to close the venue, the managers agreed to close the venue.

Of the 10 door staff on duty, several of them were not displaying their SIA licence badges in a visible manner and 2 of them did not have their SIA licence badges on their person, (requirements of their SIA licence). Door staff were also not wearing body worn cameras, wearing wearing high visibility vests outside, or clearly identifiable as door supervisors inside the premises. This a breach of condition 2.6 of the premises licence, which states:

2.6 Door supervisors shall wear body cameras when on duty. They will have high visibility vests on outside the premises and be clearly identifiable in the premises. The total number of door supervisors shall be agreed with the police and the premises door supervisor policy. As a minimum one door supervisor shall be present for every 50 guests. A register of door supervisors will be kept

at the premises. All door supervisors shall receive relevant training in respect of the premises licence, a record of this training shall be kept.

Thames Valley Police were also not informed prior to this event that it would be taking place. Whilst this is not a licence condition, condition 2.6 does refer to door supervisor numbers and door staff policy being agreed with the Police. When Mr ATES took over the licence from the previous business owner in August 2020, I met with Mr ATES at the premises whilst it was undergoing refurbishment. Thames Valley Police had had concerns with the "club night" events the previous owner had held, which as the licence still allowed for this type of event, we needed to ensure this would be suitably managed. Mr ATES assured me during this meeting, that the intention was to run the premises as a restaurant, with live lounge act style music and late night cocktail bar. He also assured me that if they were to run any music events that he would engage with me beforehand but he believed it would be unlikely this type of event would be held at the premises.

Mr ATES is the sole premises licence holder and the designated premises supervisor. It is his responsibility to ensure licence conditions are complied with and that licensing objectives are promoted. The premises staff were ill prepared for the incident that occurred and any protocols in place for a violent incident were either not adhered to or unsuitable. Due to the serious nature of the incident and subsequent actions of the premises licence holder and his staff, it is our opinion that the most appropriate course of action would be to suspend the premises licence pending final review hearing. I intend to gather more information from the premises during the consultation period between hearing before submitting our final recommendation in relation to the licence.

In support of this application I enclose the following:

1. A Certificate Under Section 53A(1)(b) of the Licensing Act 2003 signed by Superintendent Mark TARBIT marked Annex TVP1
2. A redacted GEN40 report from PC 4766 SMITH describing the incident and initial engagement with the premises marked Annex TVP2

Signature of applicant: Gemma McCormack
Date: 31/12/2021
Capacity: Licensing Officer

Contact details for matters concerning this application:
Address: Licensing, Milton Keynes Police Station, Thames Valley Police, 302 North Row, Central Milton Keynes, MK9 2DS

Telephone number(s): 07800702060

Email: gemma.mccormack@thamesvalley.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.