

Licensing Subcommittee

14 March 2014 at 9.30 am

Present: Councillors Tyler (Chairman), Cooper and Squires

Licensing Officer	Peter Savage
Applicant	Sussex Police represented by PC Whitcombe
Licensee	Mr Aso Ali Omer, Prospective Licence Holder Mr Akar Ali, Current Licence Holder Mr Paul Byatt, Agent
Legal Representative	Delwyn Jones, Council's Legal Representative

1. Election of Chairman

Prior to commencement of the meeting it had been agreed that Councillor Tyler would chair the meeting.

2. Declarations of Interest

There were no Declarations of Interest made.

3. Police Objection to Review of Premises Licence under Section 51 of the Licensing Act 2003 – European Express, 5 Canada Grove, Bognor Regis

The Chairman asked if there was any reason to enable the hearing to be dispensed with and was advised by the Licensing Officer that there was not.

Prior to commencement of consideration of this item, the Chairman requested those in attendance to introduce themselves and stated that there was a laid down procedure to be followed, a copy of which was before all those speaking at the meeting. He also stated that a verbatim note of the meeting would not be taken and should anyone wish anything particular to be noted they should indicate accordingly to enable this to be done.

In line with the Council's procedure, written and verbal representations were received and taken due account of from the Police and the licensees. PC Whitcombe stated that the Police needed to be satisfied that the Designated Premises Supervisor would uphold the Licensing Act and that there were no links between the incoming and outgoing licensees due to the serious concerns that had arisen and were still ongoing over the running of the premises.

The Agent, Mr Byatt, explained the reasons behind the transfer application by advising that the Kurdish community operated their business affairs by word of mouth rather than the normal commercial standards and there was no intention to be underhand. A letter from a solicitor was produced as evidence of the sale and circulated at the meeting. He further advised that Mr Omer had the skills to turn the shop around

Following questions and answers from all sides, the Subcommittee then retired from the meeting to consider its decision. The Council's legal representative was asked to verify the lawfulness of the decision being made and, on the meeting being reconvened, the Chairman gave advice to that effect.

The Chairman then advised all those in attendance of the decision of the Subcommittee as follows:-

That the transfer be refused.

Reasons:-

The Subcommittee is satisfied that Mr Omer is not a fit and proper person at this moment in time to be a licence holder due to the discrepancies in the evidence produced regarding the purchase of the business.

The Chairman then called a short adjournment to the proceedings prior to consideration of the review of the premises licence.

4. Review of Premises Licence under Section 51 of the Licensing Act 2003, European Express, 5 Canada Grove, Bognor Regis

Licensing Officer	Peter Savage
Applicant	Sarah Meeten, Licensing Manager on behalf of the Licensing Authority
Responsible Authorities	PC Whitcombe Peter Aston, Trading Standards David Dutton, Trading Standards
Licensee	Mr Aso Ali Omer, Prospective Licence Holder Mr Akar Ali, Current Licence Holder Mr Paul Byatt, Agent
Legal Representative	Delwyn Jones, Council's Legal Representative

The Licensing Manager informed the meeting that this application was a result of the Authority's serious concerns, together with those of the Police, local businesses and residents, with regard to the operation of this store. The concerns were two fold and related to (i) a history of non-compliance with the

licensing conditions and poor management of the premises, with unlawful activity taking place and (ii) the situation of the premises within the town and the prevalence of street drinking and antisocial behaviour which had a detrimental impact on residents.

In line with the Council's procedure, written and verbal representations were received from the Licensing Authority, Responsible Authorities and the licence holder. Mr Byatt, in response to the concerns raised, advised that improvements to the CCTV had been implemented; labelling of stock had been improved; beers of a strength of no more than 6% only would be sold; security would be improved; training would be given to all staff, with appropriate records kept; and a customer refusals book would be kept.

Following extensive questions and answers between all parties, the Subcommittee then retired from the meeting to consider its decision. The Council's legal representative was asked to verify the lawfulness of the decision being made and, on the meeting being reconvened, the Chairman gave advice to that effect.

The Chairman then advised all those in attendance of the decision of the Subcommittee as follows:-

That the licence be suspended for a 3 month period and at the end of that time the licensee to come back to the Subcommittee showing clear evidence of the legal transfer of the business and clear evidence of the operating protocol put in place to achieve the licensing conditions. The Subcommittee was also minded to impose further conditions as follows:-

(1) that professional training is undertaken with all staff via the British Institute of Innkeepers, as offered; and

(2) that a fully qualified security person is employed between the hours of 6.00 pm to closing, as offered.

Failure to comply with the above within the given timescale would lead to full revocation of the licence.

Reason for the Decision

The evidence presented has shown that there has been a blatant disregard of the licensing conditions. However, both applicants admitted these failings and had offered remedies by way of tightening up premises management and the Subcommittee felt that one last chance should be offered to the licensee in view of this.

(The meeting concluded at 12.45 pm)

Signed Chairman