

LICENSING SUB-COMMITTEE

10 July 2023 at 10.00 am

Present: Councillors Blanchard-Cooper (Chair), Haywood and Patel

Andrew Burrows, Licensing Officer presenting reports
Chris Arm – Principal Licensing Officer
Daniel Shing, Council Lawyer
Blessing Asiedu, Trainee Solicitor
Mr Ahmedi – Applicant for Item 6
Mr Arez Omar – Assisting the Applicant for Item 6
Peter Aston – Trading Standards - West Sussex County Council
David Bateup - Sussex Police (Licensing)
PC Marlin – Sussex Police (Licensing)
Jane Fulton – Committee Services Manager
Carley Lavender – Committee Services Officer

1. ELECTION OF CHAIR

Prior to the commencement of the meeting, it had been agreed that Councillor Blanchard-Cooper would chair the meeting. The Chair then invited all parties present to introduce themselves.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

3. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent items for this meeting.

4. S51 LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE FOR A PREMISES KNOWN AS PREMIER, 'THE CORNER SHOP' 109-111 FELPHAM ROAD, FELPHAM, BOGNOR REGIS PO22 7PW

The Chair noted that this was a formal hearing that would follow the hearing procedures approved by the Licensing Committee held on 23 June 2023. He asked if any representations had been received to enable the hearing to be dispensed with.

The Licensing Officer confirmed that since the application had been received by the authority, the premises in question had been transferred. This meant that the premises now had a new owner and a new Designated Premises Supervisor [DPS] in place.

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The Responsible Authority who made the application for this hearing, West Sussex Trading Standards, now wished to withdraw its application for review.

Mr Aston, the representative in attendance for West Sussex Trading Standards confirmed this to be the case.

The Sub-Committee therefore noted that the application for review of a premises licence was withdrawn.

5. EXEMPT INFORMATION

The Sub-Committee

RESOLVED

That under Section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

6. S42 LICENSING ACT 2003 APPLICATION TO TRANSFER A PREMISES LICENCE

The Chair noted that this was a formal hearing that would follow the hearing procedures approved by the Licensing Committee held on 23 June 2023. He asked if any representations had been received to enable the hearing to be dispensed with and was advised by the Licensing Officer that none had been received. The hearing was then formally commenced.

The Licensing Officer outlined the detail of the case for an application to transfer a premises license for a premises known as Pop In, 14 High Street, Littlehampton, West Sussex BN17 5EE. The application was contested, with representation having been received from Sussex Police.

Following the Council's procedure for Licensing Sub-Committees, detailed representations were heard from Sussex Police, they called West Sussex Trading Standards as a witness to give evidence in support of their objections. This was followed by questions from the Sub-Committee and other parties present which were responded to at the meeting.

The applicant's representative, Mr Arez Omar, advised those present that Mr Ahmedi was not fluent in English and translated and made representations on behalf of the applicant and answered questions from the Sub-Committee and other parties present.

During the hearing, Members of the Sub-Committee were also presented with evidence confirming the transfer of ownership of Pop-In and the date that this had taken place. Photographic identification evidence was also provided in respect of the applicant.

Following the summing up from Sussex Police and Trading Standards, the panel retired to consider its decision.

On reconvening the meeting, the Chair advised that the Sub-Committee had considered all the representations made before them, both written and oral in respect of this matter. These had included representations from the Sussex Police and historic evidence from Trading Standards investigations and the previous revocation. However, this was considered to be on the part of the previous operator rather than the applicant. It had been suggested that the applicant had been present at the premises earlier in the year as part of Trading Standards investigations and had denied any involvement in any offence, evidence was not available to show that the applicant had committed any offence.

The Sub-Committee also had due regard to the Statutory Guidance, the Licensing Act 2003's statutory licensing objectives; the Council's own Statement of Licensing Policy and licensing objectives; and guidance under Section 182 by the Home Secretary and Licensing Act 2003.

In considering the options available as set out in the report for the transfer of a licence, the Sub-Committee concluded that there was insufficient evidence in relation to the applicant that would undermine the licensing objective in the prevention of crime.

The decision of the Sub-Committee was then delivered to all present.

The Sub-Committee

RESOLVED

That the transfer of the licence would be made.

(The meeting concluded at 12.16 pm)