

LICENSING SUBCOMMITTEE

25 January 2019 at 09.45 am

Present: Councillors Clayden, Cooper and Warren

1. ELECTION OF CHAIRMAN

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. EXEMPT INFORMATION

The Subcommittee

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 items 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 items.

4. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE (EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS)

As the applicant was unable to be present, this item was postponed to a future meeting to enable them to attend to present their case.

5. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE (EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS)

The Licensing Officer presented this report which set out the detail of a case where the applicant had a previous relevant conviction. A character reference was circulated at the meeting for Members' information.

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Following an explanation from the applicant in respect of the detail of the conviction and questions from Members, all parties left the meeting to enable the Subcommittee to consider the matter.

Having considered the case, the Subcommittee

RESOLVED

That the licence be granted, subject to the DBS (Disclosure and Barring Service) check, knowledge test, and medical and driving assessment being completed to the satisfaction of officers, with a strict warning for 12 months.

All parties were then recalled and advised of the decision.

The meeting then moved into open session.

Present: Councillors Cooper (Chairman), Clayden and Warren

Glenn James	Licensing Officer
Sarah Meeten, Licensing Manager	Applicant, Licensing Authority and representing Environmental Health
Peter Saville	Legal Representative, Responsible Authority Police Licensing
David Bateup,	Responsible Authority, Police Licensing
Caroline Gosford	Economy Team
Mehmet Karakus	Owner
Mutlu Aydin	Support for Owner
Kirsty Leighton	Legal Advisor
April Heasman	Legal Observer

6. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, BEST KEBAB, 18 QUEENSWAY, BOGNOR REGIS

Prior to commencement of consideration of this item, the Chairman requested those in attendance to introduce themselves and 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.

The Licensing Officer presented this report which outlined the detail of an application to vary a premises licence under Section 34 of the Licensing Act 2003 for Best Kebab, 18 Queensway, Bognor Regis. The variation was to supply alcohol on and off the premises during the period of opening and to remove the condition relating to a registered door supervisor being deployed on the premises from 01.30 a.m. until

the premises closed. Representations against the application had been received from the Licensing Authority, Environmental Health, the Economy Team, Sussex Police and Bognor Regis Town Council. An updated representation from the Police Licensing Team was circulated at the meeting for Members' consideration.

At the hearing, the applicant offered a change to the time for the sale of alcohol up to 11 pm or 12 midnight every night and requested that a registered door supervisor should only be required to be on site on Saturdays as Friday was a quiet night and did not warrant such a presence. It was also stated that no alcohol would be sold to drunk customers.

All the responsible authorities present expressed their serious concerns that the supply of alcohol at such a late night refreshment venue had the potential to cause a flash point for anti-social behaviour and to create unacceptable noise and nuisance, particularly as The Queensway comprised of a substantial number of residential flats where the residents would be adversely affected. It was stated that each case had to be considered on its own merits, with consideration being given to the needs of the local area. Applicants should take account of that in relation to their applications under the Licensing Act and it was felt that, in this particular case, the applicant had not illustrated a clear understanding of his responsibilities to ensure adherence to the licensing objectives – this location was an ASB hot spot and views were expressed that the proposal was likely to worsen the situation.

Following the Council's laid down procedure, detailed representations were heard from those relevant parties in attendance, followed by questions between all parties, which were responded to at the meeting.

The Subcommittee then retired from the meeting, together with the Council's Solicitor, to consider its decision in tangent with the verbal and written representations made.

On reconvening the meeting, the Chairman read out the following statement:-

"The Members were asked to consider a variation application for the premise license Best Kebab, 18 Queensway, Bognor Regis.

The Members had been provided with the variation application together with the representations made by the interested parties and they had due regard to their own Statement of Licensing Policy and Secretary of State Guidance 182 of the Licensing Act 2003.

Having heard in detail from the responsible authority (Sussex Police), the Licensing Authority, Environmental Health and the Economy Team and, having taken all matters into consideration, we have decided to refuse the application. Members did of course give due consideration to the applicant stating that he would reduce the hours he was willing to sell alcohol, in particular only up to midnight.

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The Members had to be guided by the licensing objectives and, in particular, what proposals the applicant intended to adopt to uphold those objectives.

The representations detailed potential crime and disorder and public nuisance issues that had not been addressed in any proper way by the applicant. It was unfortunate, despite invitations by the Members to address this issue, the applicant failed to make any meaningful proposals as to how he would uphold the objectives; in particular those detailed by the responsible authority relating to crime and disorder and public nuisance.

The Members were satisfied that adding further conditions as part of the variation would not prevent potential further breaches.

Accordingly, the Members were satisfied that it was an appropriate decision to refuse the application based on the submissions made in evidence, and particularly during the hearing.”

The Subcommittee therefore

RESOLVED

That the application to vary the licence be refused.

Signed.....Chairman

(The meeting concluded at 11.45 am)