

# ARUN DISTRICT COUNCIL

## REPORT TO AND DECISION OF ARUN DISTRICT COUNCIL LICENSING SUB-COMMITTEE ON 6 FEBRUARY 2023

### **SUBJECT:**

Licensing Act 2003, S17 Application for a premises licence.

**REPORT AUTHOR:** Andrew Burrows, Licensing Officer

**DATE:** 23 January 2023

**EXTN:** 01903 737749

**AREA:** DIRECTORATE Growth.

### **EXECUTIVE SUMMARY:**

The Authority is in receipt of an application for a premises licence from a Mr. Todor Dimitrov Stavrev, on behalf of Best Bulgarian Shop Ltd, Unit 7, Durban Road Business Centre, Durban Road, Bognor Regis, West Sussex, PO22 9FE. (**Appendix A**)

The application is contested, with representations received from Arun District Council Licensing Authority (**Appendix B**), West Sussex County Council Trading Standards Service (**Appendix C**) and Sussex Police (**Appendix D**).

A representation has also been received from the applicant (**Appendix E**).

### **RECOMMENDATIONS:**

The Sub-Committee should make an evidence-based determination, justified as being appropriate for the promotion of the licensing objectives.

The Sub-Committee may only consider matters referred to in representations relevant to the promotion of one or more of the four licensing objectives. These must be considered in the context of what is relevant to the application.

## **1. BACKGROUND**

- 1.1 This is an application for a premises licence under Section 17 of the Licensing Act 2003. The applicant Mr. Todor Dimitrov Stavrev, has made the application on behalf of Best Bulgarian Shop Ltd. (**Appendix A**)
- 1.2 The Best Bulgarian Shop Ltd is a registered company with one listed director, Mr Krasimir Adamov.
- 1.3 Mr Krasimir Adamov is also the sole director of The Best Mini Market Ltd which has a premises located at 25 Station Bognor Regis, West Sussex, PO21 1QD.
- 1.4 As noted in the representation by the Arun District Council Licensing Authority, The Best Mini Market premises was the subject of a review application under Section 51 of the Licensing Act 2003.
- 1.5 The review application was heard by the Arun District Council Licensing Sub-Committee on the 23<sup>rd</sup> of January 2023 and resulted in the Premises Licence being revoked.
- 1.6 The application for review of the premises licence held by the Best Mini Market Ltd is attached as (**Appendix F**)
- 1.7 The Notice of Determination of Application for Review of Premises Licence – Revocation of Licence is attached as (**Appendix G**)

## **2.0 RELEVANT REPRESENTATIONS**

- 2.1 The Licensing Authority representation is made on the grounds that ‘the risk of the licensing objectives being seriously undermined, in relation to prevention of crime and disorder and public safety.’
- 2.2 ‘The Licensing Authority cannot be sufficiently satisfied that the licensing objectives will be promoted in relation to the Best Bulgarian Shop Ltd, given its director is also Director of a premises subject to a current review application.’ (**Appendix B**)
- 2.3 The Trading Standards Service, West Sussex County Council, has submitted a representation on the grounds that they ‘object to the application due to the risk of the licensing objectives being seriously undermined, in relation to prevention of crime and disorder and public safety.’
- 2.4 ‘The sole Director of Best Bulgarian Shop Ltd, Mr Adamov is also the sole Director of Best Mini Market Ltd, Bognor Regis, which is the subject of a current application for Licence review by this Service. Therefore, this Service has no confidence that the licensing objectives will be promoted in relation to this applicant.’ (**Appendix C**)

- 2.5 Sussex Police have submitted a representation which supports the Licensing Authority. They have also suggested proposed conditions, should the Sub-Committee be minded to consent to the application. Details of the relevant representations from Sussex Police and the proposed conditions are at **Appendix D**.
- 2.6 The applicant has submitted a representation in support of their application (**Appendix E**).

### **3. ARUN DISTRICT COUNCIL POLICY CONSIDERATIONS**

#### **3.1 9.0 Licensing Objectives**

9.1 The licensing objectives are: • The prevention of crime and disorder • The prevention of public nuisance • Public safety • The protection of children from harm

9.2 In respect of each of the four licensing objectives, applicants for new, and changes to existing licences will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their application, Operating Schedule and other supporting documentation, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences or be at times other than normally operated.

9.3 Details added to the Operating Schedule of an application will be translated into clear and enforceable conditions which will be added to the Premises Licence or Club Premises Certificate. Conditions should be focused on matters which are in the control of licence holders and others with relevant authorisations (such as the DPS) i.e. the premises and its vicinity.

9.4 Applicants are expected to research the local area and consider any local issues when preparing an Operating Schedule as part of an application. The Operating Schedule should detail measures that will prevent an adverse impact on the licensing objectives, this should include conditions designed to mitigate the likelihood of the premises contributing to issues in the local area.

9.5 Although each licence or certificate application must be considered on its individual merits, the Licensing Authority in adopting its Policy is making it clear that wide ranging considerations including the fitness of the applicant, the management and the suitability of premises will all be taken into account when making licensing decisions. This will not however override obligations set out in the Act.

Relevant extracts from Arun District Council's Licensing Principles are shown in this section.

(5.1) The main principles of the policy are: -

- to reduce the fear of crime.
- to encourage cultural diversity and lively, safe town centres.
- to reduce the burden of unnecessary regulation on business.
- to contribute to the quality of life.
- to promote public health.
- to ensure that premises are being managed responsibly.
- to ensure the promotion of the licensing objectives

(5.2) The Policy is also intended to ensure that the provision of additional opportunities for licensable activities are matched by appropriate and proportional measures enabling the police and licensing authorities to act promptly to maintain public order and safety.

<b>Relevant representation received regarding The Prevention of Crime and Disorder</b>	
Aggravating Factors	Mitigating Factors
Failure to cooperate with Police Encouraging or inciting criminal behaviour associated with licensed premises Serious injury results Encouraging or inciting Confidence in management ability to rectify defects Previous track record Voluntary anti-social behaviour associated with licensed premises (this might also include incidents in the locality) High rate of turnover of Licence holder/ designated premises supervisor Incidents not reported to police	Good controls, practices and training in place Willingness to attend and cooperate during mediation steps Previous track record

Relevant representation received regarding public safety

**Aggravating Factors**

Death or serious injury occurred  
Substantial risk to public safety, in the view of a responsible authority involved  
Previous warnings ignored  
Review arose out of wilful/deliberate disregard of licence conditions

**Factors Mitigating Factors**

Minor or technical breach of licence condition  
Confidence in management to rectify defects  
Confidence in management to avoid repetition of incident  
Good controls, practices and training in place  
Voluntary acceptance/proposal of additional conditions

**APPENDICES:**

- A: Application by Best Bulgarian Shop Ltd
- B: Representation by Arun District Licensing Authority
- C: Representation by West Sussex Trading Standards Service
- D: Representation by Sussex Police
- E: Representation by Best Bulgarian Shop Ltd
- F: Application Review 'Best Mini Market Ltd'
- G: Notice of Determination after review.

**Background Papers:**

- Licensing Act 2003
- Section 182 Guidance
- Arun Statement of Licensing Policy

**4. PROPOSAL (S):**

**4.0 OBSERVATIONS**

- 4.1 The Sub Committee is obliged to determine this application with a view to promoting the licensing objectives which are:
- The Prevention of Crime and Disorder
  - The Prevention of Public Nuisance
  - Public Safety
  - The Protection of Children from Harm

4.2	In making its decision the Sub Committee is also obliged to have regard to national guidance and Arun's Statement of Licensing Policy.	
4.3	The Sub Committee must also have regard to all relevant representations and evidence that it hears.	
<b>5. OPTIONS:</b>		
5.1	The Committee may: <ul style="list-style-type: none"> <li>a) Grant the licence as requested</li> <li>b) Grant the licence with appropriate and proportionate conditions</li> <li>c) Exclude specific activities</li> <li>d) Reject the application in full.</li> </ul> <p style="text-align: center;"><b>Any party to the proceedings has a right of appeal to the Magistrates Court.</b></p>	
<b>6. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council	<b>x</b>	
Relevant District Ward Councillors	<b>x</b>	
Other groups/persons (please specify)	<b>x</b>	
<b>7. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		x
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
<b>8. IMPLICATIONS:</b>		
Any decision made by the Licensing Sub-Committee can be appealed to the Magistrates Court		

**9. REASON FOR THE DECISION:**

**10. BACKGROUND PAPERS:**

- A: Application by Best Bulgarian Shop Ltd
- B: Representation by Arun District Licensing Authority
- C: Representation by West Sussex Trading Standards Service
- D: Representation by Sussex Police
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