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Subject to approval at the next Licensing Sub-Committee meeting

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LICENSING SUB-COMMITTEE

9 January 2023 at 9.30 am

Present: Councillors Blanchard-Cooper, Daniells and Hamilton

Also in attendance for all or part of the meeting were:

Glenn James – Licensing Officer

Andrew Burrows – Licensing Officer

Louise Dewberry – Licensing Officer

Daniel Shing – Council Lawyer

Amanulla Masakhaila, Applicant for Perfect Pizza (accompanied by friend)

Roy Allen, Local Resident

Karen Rogers, Local Resident

Councillor Glyn Mathias, East Preston Parish Council

Sgt. Daniel Burt, Neighbourhood Policing Team, Sussex Police

Andrew Bishop – Committee Services Officer

Carley Lavender – Committee Services Officer

21. ELECTION OF CHAIRMAN

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

22. DECLARATIONS OF INTEREST

There were no declarations of interest made.

23. 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 there were no urgent items.

24. APPLICATION FOR PREMISES LICENCE - PROVISION OF LATE NIGHT REFRESHMENT - PERFECT PIZZA, 9 THE PARADE, WILLOWHAYNE CRESCENT, EAST PRESTON WEST SUSSEX BN16 1NS

The Chair 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 for fast food takeaway with late night refreshment off the premises after 2300 hours each day [the hours of opening being Sunday to Thursday 1200 hours to 0200 hours and Friday and Saturdays 1200 hours to 0300 hours]. Representation from Sussex Police, which was for conditions to be attached to the licence, was received and had been agreed to by the applicant. Two representations from the public (Mr Allen and Ms Rogers) and one from East Preston Parish Council had also been received.

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Following the Council's procedure for Licensing Sub-Committees, detailed representations were heard from the relevant parties in attendance, followed by questions from the Sub-Committee which were responded to at the meeting. Questions revolved around the themes of when had the applicant become aware he was operating without a licence, the evidence logs of the Council, Police and members of the public for the claimed disruption and anti-social behaviour, the ability of the Council to enforce a new licence, and the proportion of delivery drivers to car-using customers for late night food collections. The panel then retired to consider its decision.

On reconvening the meeting, the Chair advised that the Sub-Committee had taken into account all the representations made before them, both written and oral in respect of this matter, and also had due regard to the Statutory Guidance, the Council's own Licensing Policy and licensing objectives. The decision of the Sub-Committee was then delivered to all present.

The Subcommittee

RESOLVED

That the licence be granted but that the scope of the application be reduced by amendment of the timings and subject to conditions:

1. Conditions requested by Sussex Police in their letter of 29 November 2022, which have been accepted by the applicant;

2. The hours of operation to be:

Shop opening hours for collection
Sunday – Thursday 12:00 – 23:00
Friday – Saturday 12:00 - 23:00

Delivery from rear of premises
Sunday – Thursday 12:00 – 01:00
Friday – Saturday 12:00 - 03:00

3. All collections must be collected by 23:00 and last orders for in shop collection accepted no later than 22:30.

25. EXEMPT INFORMATION

The recommendation to enter into exempt business was proposed by Councillor Blanchard-Cooper and seconded by Councillor Hamilton.

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 items of business on the grounds that they may 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.

26. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant with previous relevant convictions. It was explained that this was the first time the applicant had applied for a licence with Arun District Council. Following a request for information under the Data Protection Act 2018 by the Licensing Officer to Chichester District Council, it was confirmed that the applicant had previously had a licence for that authority but that this had since been revoked. The applicant had been requested to provide a Disclosure and Barring Service (DBS) certificate and this had established that there were no other convictions. Due to the nature of the offences and Council Policy, the application had to be presented to this Sub-Committee for consideration.

Following the Council's procedure for Licensing Sub-Committees, detailed representations were heard from the relevant parties in attendance, followed by questions from the Sub-Committee which were responded to by the applicant at the meeting. The panel then retired to consider its decision.

The Chair noted that the meeting was nearly at its 3 hour limit unless an extension as per Part 5, Section 2, 8.1 of the Constitution was voted for. Councillor Blanchard-Cooper proposed a 30 minute extension to the meeting. This was seconded by Councillor Daniells.

The Committee

RESOLVED

That the meeting be extended for a further 30 minutes at which time the meeting would stand adjourned.

The meeting was then reconvened and the Chair advised that the Sub-Committee had taken into account all the representations made before them, both written and oral in respect of this matter, and also had due regard to the Statutory Guidance, the Council's own Licensing Policy and licensing objectives. The decision of the Sub-Committee was then delivered to all present.

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The Sub-Committee

RESOLVED

To refuse the application on the grounds that the convictions were very recent and that the Committee found no good reason to depart from the Council's policy.

The Chair informed the Committee that the meeting would then be adjourned and the remaining item on the agenda would be heard at the next Licensing Sub-Committee on 23 January 2023. The meeting was then adjourned.

..... Chair

(The meeting concluded at 12.48 pm)