

LICENSING SUB-COMMITTEE

15 September 2023 at 10.00 am

Present: Councillors Bence (Chair), Madeley and McAuliffe

Andrew Burrows, Licensing Officer presenting the report  
Chris Arm, Principal Licensing Officer  
Joshua Marsh, Technical Support Officer  
Sharan Ahmedi, Applicant  
Graham Hopkins, Applicant's Representative  
Linda Potter, Applicant's Representative  
Peter Aston, Trading Standards, West Sussex County Council  
Daniel Shing, Council Lawyer  
Jane Fulton, Committee Services Manager  
Katherine Davis, Committee Services Officer

1. ELECTION OF CHAIR

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

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. 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 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.

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5. LICENSING ACT 2003, SECTION 17 - APPLICATION FOR A NEW 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 presented the report and outlined the details of an application for a new premises licence in respect of a premises known as Pop In, 14 High Street, Littlehampton, West Sussex, BN17 5E. If granted the premises licence will be operated by the applicant, Mr Ahmedi, who would also be the designated premises supervisor. Representations against the application had been received from Sussex Police and West Sussex Trading Standards. Sussex Police were not in attendance at today's hearing. The applicant had indicated they were happy to accept the conditions proposed by Sussex Police. No questions were asked of the Licensing Officer following his outline.

The applicant's representative, Mr Hopkins, advised those present that Mr Ahmedi was not fluent in English and that he would be speaking on his behalf. Mr Hopkins then made representations on behalf of the applicant and answered questions from Trading Standards. He confirmed that Mr Ahmedi was in agreement to the conditions proposed by Sussex Police. He advised that, if a new premises licence was granted, Mr Ahmedi intended to surrender the current premises licence previously transferred from Mr Ahmed to himself and withdraw his appeal to the Magistrates Court in respect of the Sub-Committee's previous determination to revoke the premises licence. Mr Ahmedi denied any suggestion he was involved in any criminal offence and should not be held responsible for the issues that occurred before he took over the premises from the previous operator, Mr Ahmed. He pointed out that there were no ongoing breaches of the premises licence or criminal convictions against Mr Ahmedi whilst the premises had been under his control.

Detailed representations were heard from Trading Standards in support of their objections. This was followed by questions from the Sub-Committee which were responded to at the meeting.

Trading Standards presented further documentation, which was circulated to all parties present. Mr Hopkins, whilst consenting to the submission of these documents, stated that the brown book was owned by Mr Ahmed and not his client Mr Ahmedi:

- Statement of witness from the Director of Attest UK Authentication Services Limited concerning analysis of samples found at the premises to determine their authenticity;
- Details of a Sniffer Dog Visit that took place on 15 March 2023, including a photograph showing lists of tobacco products listed on two pages of a brown book; and

- Consent of premises licence holder to transfer document dated 12 September 2022.

Following the summing up from the applicant's representative and West Sussex Trading Standards the Panel retired to make 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 included representations from West Sussex Trading Standards. 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. The decision of the Sub-Committee was then delivered to all parties present.

The Sub-Committee

RESOLVED

1. That the application be granted, with the additional conditions agreed with Sussex Police included in the licensing conditions;
  2. That the Licence transferred from Mr Ahmed to Mr Ahmedi on 10 July 2023 ( Licence number: 116317) is surrendered to Arun District Council within 7 days of the written notification; and
  3. That the new licence granted in principle today will not take effect until licence 116317 is surrendered so that the premises will only have one licence.
6. LICENSING ACT 2003 , S51 APPLICATION FOR REVIEW OF A PREMISES LICENCE

The Chair announced 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 Council's Lawyer referred to the application for a review of the premises licence for Pop In, 14 High Street, Littlehampton, West Sussex, BN17 5EE received by the Licensing Authority and the new Premises Licence granted by the Sub-Committee to a new owner.

Mr Aston, in attendance on behalf of the Responsible Authority, West Sussex Trading Standards, who had made the application for this hearing, confirmed that West Sussex Trading Standards now wished to withdraw its application for review.

Subject to approval at the next Licensing Sub-Committee meeting

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

(The meeting concluded at 12.33pm)