

LICENSING SUB-COMMITTEE

23 May 2024 at 2.30 pm

Present: Councillors McDougall (Chair), Haywood and Worne

Also in attendance were:

Neil Williamson – Environmental Health Team Manager
Andrew Burrows – Licensing Officer
Daniel Shing – Council Lawyer
Miguel Lincan – Trainee Solicitor
Blessing – Trainee Solicitor
Trading Standards – Peter Aston
Sussex Police – PC Lucas
Sussex Police – Lisa Hunt
Jane Fulton – Committee Manager
Katherine Davis – Committee Services Officer

13. ELECTION OF CHAIRMAN

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

14. DECLARATIONS OF INTEREST

There were no declarations of interest made.

15. 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.

16. EXEMPT INFORMATION

The recommendation to enter into exempt business was proposed by Councillor Worne and seconded by Councillor Haywood.

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

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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.

17. LICENSING ACT 2003, S51 APPLICATION FOR REVIEW OF A PREMISES LICENCE

The Chair noted that this hearing was being held in closed session following a request by the applicant to have the review held in camera due to ongoing criminal investigations. He advised that it was a formal hearing that would follow the hearing procedures approved by the Licensing Committee held on 23 June 2023.

The licence holder, Mr Ahmedi, had not arrived by the time the hearing at the hearing due to start at 2.30pm. It was confirmed that the licence holder had received notification of the Review Hearing and had been advised that Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 specified that the hearing could be adjourned to a specified date or proceed in their absence. The Sub-Committee considered that the Licence Holder was notified of the hearing and the consequences of failing to attend and agreed to proceed in his absence at 2.50pm.

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.

In line with the Council's licensing procedure, detailed representations were heard from all parties present.

The Licensing Officer presented the report which outlined the detail of a case of a review application from West Sussex County Council Trading Standards for the premises known as 14 High Street Littlehampton West Sussex BN17 5E. On the basis that the licensing objectives, in respect of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm had been seriously undermined.

West Sussex Trading Standards and Sussex Police each presented their case. There were no questions asked by the Sub Committee. The Council's Lawyer advised that if any questions were raised by the Sub-Committee during deliberations then they could call back the parties to answer those questions.

All parties were given the opportunity to sum up. The Sub-Committee then retired to consider its decision.

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

The licensing Sub-Committee noted that the Licence Holder, Mr Ahmedi, was not present at the start of the meeting which was due to start at 2:30 PM and considered that he had been advised of details of the Review Hearing and Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 in which the hearing could be

adjourned to a specified date or proceed in their absence. At 2.50pm, the Sub-Committee considered that the Licence Holder was notified of the hearing and the consequences of failing to attend and agreed to proceed in his absence.

The Sub-Committee has considered the representations made by Sussex Police and West Sussex County Council's Trading Standards Team made orally during the review hearing and within the report as to whether the following licensing objectives had been undermined:

- The Prevention of Crime and Disorder
- Public Safety
- The Protection of Children from Harm

In addition, the Sub-Committee also considered the following:

- LA 2003's statutory licensing objectives
- Arun District Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003 in relation to reviews.
- Written representations from Public Health.

Having considered the evidence available and presented, the Sub-Committee concluded that the licensing objectives (1) The Prevention of Crime and Disorder, (2) Public Safety and (3) The Protection of Children from Harm had been undermined by activities at the premises as shown by Sussex Police and Trading Standards.

The Sub-Committee considered the range of options available and concluded that additional conditions would be inadequate to address the current concern for the review that had been put forward in relation to the illicit tobacco sold, quantity of illicit tobacco and vapes found and the number of incidents.

It was noted that:

1. The licence holder was granted the Premises Licence in September 2023 and in the short space of time the licence was granted, a number of issues had arisen.
2. Sussex Police and Trading standards had received a number of complaints about the premises, these were investigated and verified through enforcement action and site visits. The licence holder was not present to dispute those findings where illicit tobacco was found and sold.

The Sub-Committee also considered:

- Loss of revenue to government in customs duty through illicit goods
- The level of harm that could result from consumption of illicit and counterfeit products

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- The wider implications of licensing contraventions
- Similar representations and concerns from the Police and Trading standards for them to intervene demonstrates a high level of concern for upholding the licensing objectives which was substantiated on the visits undertaken.

The Sub-Committee has carefully considered the all the representations made in writing and orally presented at the hearing as set out in the report to reach this decision.

Whilst the concerns in relation to illicit tobacco are covered by separate legislation, all these activities in relation to illicit tobacco undermine and do not promote the licensing objectives. Such activity continues to be a risk to consumers and the community. The Licensing Sub-Committee was satisfied that the current status quo would continue to undermine the prevention of Crime and Disorder, Public Safety and Protection of Children from Harm.

Therefore the Sub-Committee considered that revocation of the premises licence is necessary, proportionate and reasonable in these circumstances.

It is noted that the Licence holder was not present and should seek legal advice on his rights regarding an appeal.

(The meeting concluded at 4.33 pm)