

## LICENSING SUB COMMITTEE

26 MAY 2015

Present: Councillors Batsford, Charlesworth and Roberts

### 1. **APPOINTMENT OF CHAIR FOR THIS MEETING**

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Charlesworth moved that Councillor Roberts should take the Chair. This was seconded by Councillor Batsford.

**RESOLVED** (unanimously) that Councillor Roberts be appointed as Chair for the duration of the meeting.

### 2. **APOLOGIES FOR ABSENCE**

Absence was noted for the reserve member, Councillor Beaney.

### 3. **MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2014**

**RESOLVED** – That the minutes of the meeting held on 8 September 2014 be approved and signed by the Chair as a true record.

### 4. **DECLARATIONS OF INTEREST**

None.

### 5. **NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

None.

### 6. **APPLICATION FOR A PERSONAL LICENCE AS A RESULT OF A POLICE OBJECTION NOTICE**

Councillor Roberts set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this.

The Corporate Director, Environmental Health, submitted a report on an application for a personal licence for Mr Riza Dogan, with a police objection under the licensing objective for the “prevention of Crime and Disorder”. Mr Brown, Licensing Manager, presented the report.

Sergeant Vokins from Sussex Police Licensing Team stated the police had objected to the personal licence, based on the offence ‘wounding with intent to do grievous bodily harm’. He explained that this was the highest level of assault; Dogan was convicted and sentenced to 5 years of imprisonment in 2005. Convictions of more than 4 years are never spent or removed from a criminal record. He concluded that the granting of a Personal Licence would undermine the Crime Prevention objective and that he had

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severe concerns that someone who had a background of GBH would be authorised to sell alcohol.

Mr Dogan, applicant was present. In his submission he said he was aware that when he made the application his conviction was not spent, however he committed the crime over 10 years ago and had changed as a person. He said that he served the sentence and that no further crimes had occurred in or around Hastings. Furthermore, he said he upheld crime prevention in everyday life which proved he could uphold the rules for holding an alcohol licence. He said his interests were towards off licence and not an open public licence. This licence, he said, would give him a new avenue in life and enable him to pursue his business interests. He suggested that if he were to be granted a licence, members may wish to add conditions to it.

Sergeant Vokins sought clarification from Mr Dogan about the circumstances of his conviction. Mr Dogan explained the circumstances.

Members asked questions of Mr Dogan.

Mr Brown, Licensing Manager, clarified that a Personal Licence could be used in any profession and could be used on trade and off trade. If successful, he said the Personal Licence would last for ever and could be taken anywhere in the UK by the applicant.

The Chief Legal Officer advised the Committee that they must have regard to the Secretary of State Guidance, June 2014, Para 41, in that when the applicant demonstrated the crime took place long ago, they must no longer have the propensity to offend. The licensing objectives must not be undermined.

Sergeant Vokins, expressed his concern regarding the seriousness of the offence, which he said undermined the licensing objectives.

In his summary, Mr Dogan said he had a business interest which would benefit the town and that he would like to integrate into society as a business owner.

**RESOLVED (unanimously) that the application be refused for the following reasons:-**

**The Committee have listened very carefully to all of the evidence before it. Whilst it recognises that the applicant is trying to turn his life around, the Committee was not completely satisfied that the applicant no longer has a propensity to re-offend.**

**The Committee do not consider that it is appropriate to grant the application on the basis that doing so would undermine the crime and prevention of objective.**

**The Committee have had regard to its own policy and the guidance issued by the Secretary of State.**

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**7. ADDITIONAL URGENT ITEMS (IF ANY)**

None.

(The Chair declared the meeting closed at 10.30 am)