

**LICENSING SUB-COMMITTEE  
4 DECEMBER 2012**

Present: Councillors Dowling, Finch and Sinden, with Councillor Martin in reserve.

**19. APPOINTMENT OF CHAIR**

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 Finch moved that Councillor Dowling should take the Chair. This was seconded by Councillor Sinden.

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

**20. DECLARATIONS OF INTEREST**

Councillors made no declarations of interest at this meeting.

**21. APPLICATION FOR A PREMISES LICENCE: 72 MOUNT PLEASANT ROAD, HASTINGS**

Councillor Dowling 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 premises licence at 72 Mount Pleasant Road, Hastings.

Mr Brown, Licensing Manager, presented the report to the committee as a result of representations received. The report referred to an application which sought consent for a premises licence.

Mr Brown stated that Trading Standards had been invited to attend the hearing in respect of their representation, but were unable to attend.

Mr Brown confirmed the applicant, Miss Yalcin, did not hold a personal licence as stated in her application for a premises licence. He said she had incorrectly applied to Hastings Borough Council and was advised to apply to the relevant authority in which she resides. He understood Miss Yalcin had submitted an application to Ashford Borough Council in Kent.

PC Maynard from Sussex Police was present, he made his representation under the Prevention of Crime and Disorder and the Prevention of Public Nuisance. He said the premises had previously been involved in the illegal sale of counterfeit, illicit and dangerous products, which led to the revocation of the licence by the Licensing Sub-Committee in March 2012. This was followed by an appeal in August 2012 by Mr Yalcin, the former holder of the

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premises licence, which was dismissed. He said that he felt the problems would continue if the application for a premises licence was granted.

In respect of the advice given to Miss Yalcin, PC Maynard said an application for a personal licence had been submitted to Ashford Borough Council. He went on to say that he had concerns regarding the different signatures on the personal licence form submitted to Hastings Borough Council and on the form submitted to Ashford Borough Council, which he believed may not have been completed by Miss Yalcin. Furthermore, he questioned what controls Miss Yalcin would have from her address in Kent in managing the premises and that Mr Masters had on a number of occasions had difficulty in communicating with her, as she had failed to return his telephone calls. He raised concern regarding the short time period between the appeal decision and the current application for a premises licence. This, he said, undermined the process and decision of both the Licensing Sub-Committee and the appeal court.

Councillor Finch sought clarification on the discrepancies in the paperwork.

Mr Masters, Sussex Police, stated that he had contacted Ashford Borough Council prior to this meeting, and they confirmed Miss Yalcin's application for a personal licence had been granted.

In response, Mr Hassan representing the applicant, Miss Yalcin, said he did not know anything about the differing signatures on the personal licence application forms or how they occurred.

Councillor Dowling asked who would be working at the premises. Mr Hassan said Miss Yalcin would be working in the shop with him. She would be fully in charge as the Designated Premises Supervisor and would be responsible for the paperwork and orders.

Councillor Finch sought clarification from Mr Yalcin on why he had been disqualified as a premises licence holder and what improvements would be made to the running of 72 Mount Pleasant Road. He also asked what experience Miss Yalcin had in running a shop.

Mr Cuma Yalcin, representing his daughter, Miss Yalcin, said that he was the original premises licence holder which he held until he sold the shop. He went on to say that Mr Hassan was the Designated Premises Supervisor for both 72 Mount Pleasant Road and for the Ideal Mini Market when the premises licence was revoked following a Trading Standards investigation. He said that Miss Yalcin will be in charge of this premises and had experience of working in a café/shop

PC Maynard asked Mr Cuma Yalcin how often Miss Yalcin would be living in Hastings. Mr Yalcin said she would have one day off living in Ashford. He added that he would not be present at the premises.

Mr Masters queried the dates the personal licence application form was submitted. He said the form was received by Hastings Borough Council on 30

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October and stated the licence was to start on 6 November. He emphasised the point that Miss Yalcin had been in Turkey for three weeks since 20 October and was to return on 18 November. He asked how Miss Yalcin completed and submitted the application form while she was in Turkey.

Mr Hassan said the application form was filled in by Miss Yalcin before she went to Turkey and that he did not know who signed it.

In the absence of Lucy Corrie, Head of Trading Standards, Mr Brown read her letter of representation to the Committee in opposition to the grant of a premises licence. The letter was dated 5 November and was appended to the report under Appendix C of the agenda.

In his summary, Mr Brown reiterated his concerns that the previous licence had been revoked and upheld by the appeal court. A lack of basic understanding had been shown by Miss Yalcin in that she had incorrectly applied to Hastings Borough Council for a personal licence and had incorrectly quoted a qualification number in the application form where the personal licence details were required.

PC Maynard repeated his concerns and stated the application had been submitted two months after the appeal decision, which if the premises licence was to be granted, would undermine the licensing process. He also had concerns regarding the operation of the premises which lead to the review of the premise licence in February 2012.

**RESOLVED (unanimously) that the application be REFUSED. The Committee have listened very carefully to all submissions. They were disappointed that the applicant did not attend in person.**

**The Committee are not satisfied that the Licensing Objective of Crime and Disorder will be upheld. It is not convinced that the running and organisation of the premises will be entirely independent.**

**On balance the Committee believed the submissions made by both the Police and Trading Standards were more credible.**

**The Committee believe that the application is premature.**

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

(The Chair declared the meeting closed at 3.12pm)