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Licensing and Public Safety Department.

20th August 2013.

Licensing Manager
Environment and Safety Directorate
Aquila House
Breeds Place
Hastings
East Sussex
TN34 3UY

Dear Mr. Brown

Application by East Sussex County Council Trading Standards Service for a Review of the Premises Licence for Erols Kebab and Steak House 194 Queens Road Hastings East Sussex. TN34 1RG.

Sussex Police wish to make representation in support of the above Review Application on the grounds of the premises management failing to promote the licensing objectives of a) the prevention of crime and disorder and b) prevention of public nuisance.

The Premises Licence specifies that the sale by retail of alcohol is limited to consumption on the premises only and are permitted between the hours of 1000 hours and 0000 hours (midnight) Monday to Saturday and 1200 hours to 2330 hours Sundays. Further, there is also a condition placed upon the licence which states, ***'Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal'***.

The premises licence also permits the provision of late night refreshment between the hours of 2300hrs - 0230hrs Monday to Sunday.

There have been a number of incidents relating to the premises operating in contravention of their premises licence. Below is a schedule to these incidents. These include;

- Selling alcohol beyond the terminal hour permitted for this licensable activity
- Supplying alcohol for consumption off the premises, other than in accordance with the Premises Licence.
- Providing late night refreshment after the terminal hour.

List of Incidents:

1. On Friday 29th March 2013 at approximately 01:00hrs, the premises staff sold a 75cl bottle of counterfeit Vodka to customers as an 'off sale'. Other members of the public were seen to enter, purchase cans of beer and leave.
2. On Saturday 25th May 2013 at approximately 03:30hrs the premises staff were seen selling hot food by a police officer
3. On Sunday 26th May 2013 at approximately 02:55hrs the premises staff were seen selling hot food by a police officer

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4. On Saturday 1st June 2013 at approximately 03:18hrs the premises staff were seen selling hot food by two Special Constables.
5. On Sunday 23rd June 2013 at approximately 00:30hrs staff at the premises sold food and two cans of beer for 'off sales' to a Trading Standards Officer.

Within the incidents listed above, seven offences have been committed contrary to Section 136 of the Licensing Act 2003 for which Mr. Kanik, the existing Premises Licence Holder and Designated Premises Supervisor, has been formally reported.

Evidence has been submitted by Trading Standards within the licence Review Application which indicates the premises management have been responsible for the sale of counterfeit alcohol from the premises.

In the Government's alcohol strategy published in March 2012, sections 2.18 to 2.20 refer to the government's response to 'emerging issues' of serious concern.

2.19 Alcohol duty fraud costs the Government up to £1.2 billion per year and organised crime groups are responsible for much of this cost.

Section 182 Guidance of the Licensing Act 2003, states at paragraph 11.27;

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- *for the sale of smuggled tobacco and alcohol. (in addition to other criminal activity)*

During an interview with Trading Standards Mr. Kanik stated that he had no involvement in the operation of the business as he had been renting it to a Mr. Ceyhun Veron. This demonstrates a total disregard of his responsibilities as the Designated Premises Supervisor.

On the 1st November 2009 Mr. Kanik was found conducting a licensable activity, provision of late night refreshment, from the premises known as Flames Grill Havelock Road Hastings East Sussex, in contravention of the premises licence. Contrary to Section 136 of the Licensing act 2003. The case was heard at Hastings Magistrates Court on the 23rd February 2010, and Mr. Kanik pleaded guilty and received a fine and costs totaling £335.

Sussex Police contend that the management of these premises has fallen well below that expected under the Licensing Act 2003. Sussex Police further contend that, as result of Mr Kanik's flagrant and repeated disregard of the terms of the Premises Licence and the conditions placed upon it by the Licensing Authority, it is both necessary and proportionate for the Licensing Committee to seriously consider revoking this Premises Licence.

Yours sincerely,



Jean Irving
Force Licensing and Public Safety Manager