

**LICENSING REVIEW SUB-COMMITTEE  
16 SEPTEMBER 2013**

Present: Councillors Finch (in the Chair), Howard and Poole, with  
Councillor Roberts in reserve.

**1. 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 Poole moved that Councillor Finch should take the Chair. This was seconded by Councillor Howard.

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

**2. DECLARATIONS OF INTEREST**

Councillors made no declarations of interest at this meeting.

**3. MINUTES**

**RESOLVED – That the minutes of the meeting held on 17  
September 2012 be approved and signed by the Chair as a true  
record.**

**4. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE:  
EROLS, QUEENS ROAD, HASTINGS**

Councillor Finch set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this. Mr Kanik's son could translate for his father if there was anything that Mr Kanik could not understand. Councillor Finch stated that plenty of time could be given to enable this process.

The Corporate Director, Environmental Health, submitted a report on an application for the review of the premises licence for Erols, Queens Road, Hastings.

Mr Brown, Licensing Manager, presented the report to the committee as a result of representations received.

Mr Barnaby Brown, Senior Trading Standards Officer, East Sussex County Council Trading Standards Service, brought the review under the licensing objectives of "The Prevention of Crime & Disorder" and "Public Safety". He informed the Committee that since 2005, Mr Kanik had been the Premises Licence Holder and also the Designated Premises Supervisor for Erols. More recently, whilst Mr Kanik was accountable for the premises, on 28<sup>th</sup> and 29<sup>th</sup> March 2013, two customers purchased one bottle of drop vodka from Erols,

**LICENSING REVIEW SUB-COMMITTEE**  
**16 SEPTEMBER 2013**

as an off sale to take away from the premises. Subsequently, one of the customers attended A&E as a result of drinking drop vodka purchased from the premises.

Following this incident, Mr Cohen, Senior Trading Standards Officer, visited the premises with the Police on 29<sup>th</sup> March 2013. He said that they found two bottles of drop vodka and eleven bottles of Smirnoff vodka under the counter. The bottles were seized and sent for analysis at Worcestershire County Council Scientific Services. The Public Analyst concluded that the sample tested was drop vodka and the alcohol level was deficient of the maximum alcoholic strength for vodka. He also stated that vodka could not be traced as there was no information regarding the name and address of the manufacturer. This was ratified by Diageo plc, the Trade Mark holder for Smirnoff Vodka, who confirmed both the vodka and bottle were counterfeit.

Mr Barnaby Brown said there had been multiple breaches of the Licence and that he had serious concerns regarding crime and disorder. He went on to say that Mr Varol, the business owner, had been requested to supply details of the manufacturer and that no response had been forthcoming. As such, he confirmed there was no legitimate supply of these products and that illegal and counterfeit vodka was being made available to the public. He added that a press release highlighting the dangers of drop vodka had been issued by the Food Standards Agency in 2011.

Three further breaches occurred at Erols on 25 May 2013; 26 May 2013 and 01 June 2013 where Police officers witnessed the sale of food and refreshments to customers beyond the trading hours. The witness statements submitted by the Police were individually referred to.

A test purchase was carried out at the premises by a Trading Standards Officer on 23 June 2013. The Officer successfully purchased two cans of beer at 00.30am, after the permitted trading hours for the sale of alcohol.

Consequently, Mr Kanik was interviewed under caution by Trading Standards, with an interpreter, on 25 June 2013. He admitted to selling alcohol and said he was sorry it happened and that he was prepared to give up his licence. Mr Barnaby Brown said it was clear during the interview with Mr Kanik that he had no idea what the conditions of the licence were.

Having regard to the evidence submitted, Mr Barnaby Brown asked the Committee to fully revoke the licence.

Mr Russell, Barrister, representing Mr Kanik, made his submission. He sought confirmation from the Police that legal proceedings had begun against the limited business and not against Mr Kanik. This was confirmed by the Police. He questioned whether any further visits by the Police had taken place since June 2013, as it couldn't be said the premises hadn't improved. He stated that Erols had been open for 30 years and had been under its current ownership since 2009. As such, the period that was being reviewed was for a limited time between March and June 2013. Furthermore, during his interview

**LICENSING REVIEW SUB-COMMITTEE**  
**16 SEPTEMBER 2013**

with Trading Standards Officers regarding the sale of alcohol, Mr Kanik expressed his regret of what had happened and stated that he was prepared to volunteer the liqueur part of the licence.

Sergeant Vokins in his submission referred back to the incident on 28<sup>th</sup> and 29<sup>th</sup> March 2013 where two customers of Erols became unwell. He said he was unable to say why they became unwell, but he was able to confirm the vodka was purchased from Erols, and that both individuals complained of the same symptoms within half an hour of purchasing it from the premises.

Whilst being interviewed, Mr Kanik, denied any knowledge of this. Sergeant Vokins said the premises was open at late hours and customers were there expecting to purchase alcohol. The premises had fallen into bad practice.

On 14<sup>th</sup> June 2013, the Police interviewed Mr Kanik, seven charges were brought against him for breaching his licence. Sergeant Vokins said that he could not account for other officers who may have visited the premises since June or whether the opening hours were being adhered to, as not all Police units record all their visits.

PC Trevena said during the times he spoke to the management at Erols, there was a blatant disregard the next day for the advice given. He expressed his concern for what might happen in the future.

Sergeant Vokins informed the Committee that Mr Kanki was also in charge of another premises called 'Flames Grill'. Back in 2010 Mr Kanki was charged under S136 of the Licensing Act with an offence for operating beyond the designated trading time.

Mr Russell said Mr Kanik had turned around the premises and was making progress to adhere to the operating times for late night refreshment and that it would be disproportionate to revoke the licence at this stage.

The Police asked Mr Kanik, what he was doing to ensure the conditions of the licence were adhered to by staff when he was not there. Mr Russell said that Mr Kanik attends the premises on a regular basis and he tells his employers what to do and when to close. He is determined it should not happen again in light of the prosecution.

Councillor Poole asked Mr Kanik if the same staff were in place at Erols. Mr Russell said that Mr Kanik had got rid of the staff who were present during the breaches.

Councillor Finch asked Mr Kanik if Mr Varol was present at the premises. Mr Kanik confirmed he was not there. He also asked who had overall responsibility for purchasing and ordering stock for the premises. Mr Russell said that no alcohol was purchased, it was gone.

Councillor Poole asked who purchased the food. Mr Russell said Mr Varol was on the lease which terminates in January 2014. Councillor Poole asked

**LICENSING REVIEW SUB-COMMITTEE  
16 SEPTEMBER 2013**

whether the lease had been terminated. Mr Russell said the lease was with the solicitor at the moment and was in the process of being terminated.

Mr Brown, Licensing Manager, clarified the terms of the licence.

PC Travena said he was deeply unhappy with the running of the premises which had caused a lot of problems to police.

In his summary, Mr Russell stated that it had been established the operating times were now being adhered to and the business was functioning as it should. He recommended the conditions of the licence be amended so that the refreshment condition remains, as it formed the core of the business and the condition relating to the sale of alcohol could be removed. He said Mr Kanik volunteered this when he was interviewed in June. Mr Kanik, he said, has given his apologies.

**RESOLVED (unanimously) that, the premises licence be revoked.**

**The Committee believe there has been a total disregard by management of the conditions of the Licence. Despite continuous warnings and advice from Police they have continued to sell food and alcohol outside of the permissible hours.**

**The Committee take very seriously any incident of selling illicit and counterfeit alcohol.**

**The Committee must uphold the licensing directions of Crime and Disorder and Public Safety. The Committee have had regard to its own policy and guidance issued by the Secretary of State.**

**5. REQUEST TO TRANSFER A PREMISES LICENCE WITH REPRESENTATIONS: EROLS, QUEENS ROAD, HASTINGS**

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

Mr Russell, representing Mr Kanik formally withdrew the application.

(The Chair declared the meeting closed at 11.55am)