

**LICENSING SUB-COMMITTEE  
31 MARCH 2014**

~~Please note that these are draft minutes and will not be ratified by the committee until its next meeting.~~

Present: Councillors Charlesworth, Poole and Roberts (in the Chair) with Sinden in reserve.

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**17. 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 Roberts should take the Chair. This was seconded by Councillor Charlesworth.

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

**18. DECLARATIONS OF INTEREST**

Councillors made no declarations of interest at this meeting.

**19. MINUTES**

**RESOLVED – that the minutes of the meeting held on 28 November 2013 and 23 December 2013 be approved and signed by the Chair as a true record.**

**20. APPLICATION FOR (1) TRANSFER OF LICENCE AND (2) VARIATION OF DESIGNATED PREMISES SUPERVISOR (DPS) FOR PREMISES LICENCE: IDEAL MINI MARKET, 61 QUEENS ROAD, HASTINGS**

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 regarding an application for (1) transfer of licence and (2) variation of designated premises supervisor (DPS) for a premises licence as a result of 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 there were a number of typographical errors in their letter of objection, which was appended to the report as Appendix B. Amend paragraph: “Mr. Razai apparently sold the business to Mr. Mahmud on 23<sup>rd</sup> July 1011”. Change the date from 1011 to 2011. Amend paragraph: “On 15<sup>th</sup> December 2012 East

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Sussex County Council Trading Standards...", change the date from 2012 to 2011.

Sergeant Vokins read through the Police letter of objection and commented on the history of the premises and the parties involved. He advised the committee that for the reasons stated in his letter of objection, this case constituted exceptional circumstances in that it undermined the crime prevention objective and he therefore requested the committee refuse the applications to transfer the licence and to vary the Designated Premises Supervisor (DPS).

He stressed the importance of the role of the Premises Licence Holder and that of the DPS and advised the committee that Mr Hassan had been the DPS for two convenience stores which had been subject to investigation by East Sussex County Council Trading Standards for the sale of illicit and counterfeit alcohol. The Pleasant off Licence and the Ideal Mini Market were both found to be in breach of the licensing objectives and accordingly both premise licences were revoked.

The applicant, Mr Hassan, the DPS for the premises made his submission. He said that when Ideal Mini Market was sold to Mr Ayub Mahmud and the premises licence was transferred, he believed he would no longer be the DPS. He was not aware the DPS had not been changed and also was not aware of the incidents at the premises because his partner was heavily pregnant at the time. He told the committee that he had made a mistake and would make sure it never happened again.

Sergeant Vokins asked Mr Hassan why he did not check if the DPS had been transferred. Mr Hassan acknowledged that it was his mistake that he did not check the DPS when the convenience store was sold and the premises licence changed. Sergeant Vokins emphasised the role of the DPS was for day to day running of the store and that the applicant should be aware of this having attended a training session. He asked Mr Hassan if he was aware of the outcome of the review. Mr Hassan confirmed he attended the review. He said he never seen the bottles that were seized by Trading Standards, and stated he had not purchase goods for the shop.

Mr Brown mentioned that Mr Hassan had been the DPS of the premises since (January 2010), therefore he had to have a personal licence and so was fully trained from that date. Mr Hassan confirmed that all the purchases were made through Booker Cash & Carry and that he had not seen the premises since it was sold. Mr Brown pointed out that 400 bottles was a significant number to be seized. Mr Hassan said he should have changed the DPS, but he lost his job when the premises was sold and thought everything had been changed.

Councillor Poole stated that Mr Hassan had failed twice in his responsibility as DPS and asked him to outline the exact steps he would take to ensure this did not happen again. Mr Hassan gave his assurance that he would ensure that

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all purchases were from Booker Cash & Carry and the paper work would be available to view at any time.

Councillor Charlesworth asked Mr Hassan why he did not know about the two raids at both convenience stores which were in close proximity to each other. Mr Hassan said that when Ideal Mini Market was sold to the new owner he did not visit the premises. Furthermore, the goods for the Pleasant Off Licence were purchased by Mr Adel. He was not aware the bottles were seized until February. Councillor Charlesworth asked Mr Hassan to provide assurance that he would take sole responsibility for purchasing the goods at Ideal Mini Market. Mr Hassan gave his assurance.

In his summary, Sergeant Vokins expressed his concern regarding the serious impact of the offences which he described as significant in terms of crime. He said he had grave concerns regarding the day to day operation of the business and that it was Mr Hassan's job to know. Furthermore, he suggested that Mr Hassan should not have walked away from the role without ensuring all the necessary paperwork had been completed.

**RESOLVED (unanimously) that the application be REFUSED for the following reason:**

**We are satisfied that if the applications are approved the licensing objective of the Prevention of Crime and Disorder will be undermined.**

**We are not convinced that the applicant has demonstrated good management of Ideal Mini Market either as DPS or the Premises Licence Holder in the past.**

**We are satisfied that the exceptional circumstances the police refer to in their representation exist, considering the history of the applicant.**

**We have had due regard to the Licensing Policy and the guidance as published by the Secretary of State.**

(The Chair declared the meeting closed at 2.55pm)