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LICENSING SUB COMMITTEE

24 AUGUST 2016

Present: Councillors Batsford, Dowling and Sabetian (Chair) with Councillor Patmore in reserve. Also in attendance: Bob Brown, Licensing Manager; Trevor Scrase, Senior Licensing Officer and Karis Valli, Senior Environmental Health Officer

**57. 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 Dowling moved that Councillor Sabetian should take the Chair. This was seconded by Councillor Batsford.

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

**58. APOLOGIES FOR ABSENCE**

None.

**59. MINUTES OF THE MEETING HELD ON 31 MAY 2016**

**RESOLVED that the minutes of the meeting held on 31 May 2016 be approved and signed by the Chair as a true record.**

**60. DECLARATIONS OF INTEREST**

None.

**61. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

None.

**62. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE: NISA LOCAL, 1-3 PARKSTONE PARADE, PARKSTONE ROAD, HASTINGS**

The Licence Holder/DPS had been invited to attend the hearing, but was not present. Cllr Dowling Proposed that the Hearing continue, which was seconded by Councillor Batsford.

Councillor Sabetian set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

The Licensing Manager, Bob Brown, presented the report of the Assistant Director of Environment and Place in respect of an application for the review of the premises

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licence under Section 51 of the Licensing Act 2003 at NISA Local, Parkstone Parade, Parkstone Road, Hastings. Mr Brown, Licensing Manager, presented the report.

Mr Scrase, Senior Licensing Officer (Applicant), said he instigated the review of the premises licence under the licensing objectives 'the Prevention of Crime and Disorder and the Protection of Children from Harm' as a result of evidence provided by Karis Valli, Senior Environmental Health Officer (Food/Health & safety), following a food safety inspection. He said a number of conditions attached to the premises licence had been breached and so he submitted a review to address the ongoing poor management and supervision of the premises.

The existing use of the shop covers the premises for the 'off sales' supply by retail of Alcohol. It currently operates under the following trading hours: Sale of alcohol – Monday to Sunday 10.00 – 23.00hrs.

The shop was granted a premises licence on 13<sup>th</sup> June 2007 to Millenium C Stores under Mr Uday Patel. On 28<sup>th</sup> October 2008, the premises was changed to NISA local. On 25<sup>th</sup> November 2009, the premises holder Mr Amit Gohil transferred the licence and then on 11<sup>th</sup> October 2010 it was transferred to another limited company name, KP & UK Ltd by the same person. On 11<sup>th</sup> May 2012, the premises licence was transferred from KP & UK Ltd to Ganas Food and Wine Ltd. The registered company owner is currently Mr Kanapathillai Sanjeev.

Mr Scrase said he received notification on 19<sup>th</sup> April 2016 from the Environmental Health Department that the shop had changed ownership to VJN Groceries Ltd, although it was still registered under Ganas Food and Wine Ltd, the directors details were still the same. He referred to his statement on page 15 of the agenda and spoke about the events leading up to the review.

- On 4<sup>th</sup> May, Mr Scrase said he visited the shop, neither the personal licence holder or manager were present. Mr Sanjeev was confirmed as the owner.
- On 11<sup>th</sup> May, both Mr Scrase and Mr Brown visited the premises, there was 1 member of staff on duty at the time. He did not know the designated premises supervisor( DPS) and was unable to produce a list of persons authorised to sell alcohol by him. There were customers in the shop. Mr Scrase advised that further sales were unlawful and asked Mr Gupta to contact him.
- On 12<sup>th</sup> May, Mr Scrase had not received any contact.
- On 17<sup>th</sup> May, Mr Scrase visited the store. Mr Gupta was present, he confirmed he was the manager and explained that Mr Sanjeev was the shop owner, but he did not know the DPS, Mr Jeyraji.
- On 18<sup>th</sup> May, Mr Sanjeev attended the office and submitted an application to transfer the company premises licence to VJN Groceries Ltd. Mr Scrase asked for confirmation of the DPS from Mr Sanjeev.
- On 9<sup>th</sup> June, confirmation of the DPS was received as being Mr Jeyraji. Mr Scrase requested Mr Sanjeev attend the office to discuss breaches of the Licensing Act: failing to notify change of company; selling of alcohol and non-compliance with a number of conditions on the premise licence. Mr Sanjeev confirmed he was not a personal licence holder and that the DPS was the

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husband of his sister. A record of the interview, dated 29<sup>th</sup> June, was appended to the agenda on page 47.

Mr Scrase recommended the premise licence be revoked for the reason that if the committee decided to suspend the licence for 3 months, he felt the position would not change. He went on to say the poor level of management control had occurred over a prolonged period of time, for example the DPS visited every couple of months and staff were changeable. Although there was no proof of underage sales, he said there were two senior schools in the vicinity. If conditions were added to the licence it would not change because the existing conditions had been breached continuously with very little effort made to remedy the situations since April 2016.

Mr Brown read the witness statement received from PC Chris Travena on page 85 of the agenda, Appendix C.

Karis Valli, Senior Environmental Health Officer (Food/Health & Safety), said she had visited the premises on 19<sup>th</sup> April following a complaint received on 16<sup>th</sup> April from a member of the public regarding high risk foods being delivered in an unrefrigerated vehicle and concerns over poor hygiene. On 19<sup>th</sup> April she undertook an investigation and noted a range of offences such as a change of ownership; the business was un-registered, the owner/supervisor was not present, there were no training records or food procedures and registers. Furthermore, the building was in a poor structural state and lacked house-keeping. The premises, she said, was a public health risk. She notified the Licensing Department and took a graduated approach to enforcement by sending letters to the management.

Councillor Dowling sought clarification on the whereabouts of the Licence Holder. Mr Scrase said the Licence Holder had changed and the premises was now run by Mr Sanjeev, the owner. The DPS was his brother in law. Mr Brown added that the premises was run by an absent management team. Several conditions that had been placed on the licence had been ignored for some time.

Councillor Sabetian queried why it would not make a difference if the licence was suspended for 3 months. Mr Brown said suspension was generally used as a training tool to educate the staff, not deal with continuous breaches of conditions. If the DPS was removed staff training would not be adequate. The DPS has not engaged with the Authority unless forced to do so. In an interview with Mr Scrase it was clear that they cannot achieve the conditions currently set on the licence and therefore the committee's options were limited.

In his summary, Mr Scrase said the premise was poorly run with no direct supervision or compliance of the licensing objectives.

**RESOLVED (unanimously) to REVOKE the licence as follows:**

**The reason for this decision was:**

**The Committee have listened very carefully to the evidence before it. There seems to be a total disregard of the licensing conditions; in**

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particular CCTV not working; one member of staff rather than the two prescribed (staff apparently employed on a casual/transient basis) and no training records.

The Committee's concerns were heightened by the close proximity of a senior school. The management team are mostly absent including both the DPS and the License Holder. This shows that the Licensing Objectives are being seriously undermined in particular the prevention of Crime and Disorder and the Protection of Children from Harm.

The Committee were very disappointed of the non-attendance of the Licence Holder, despite having been sent due notification which is indicative of the general poor management of the premises.

### 63. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 2.47 pm)