
LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 14 April 2016 from 10.08 - 11.35 am.

PRESENT: Councillors Bobbin, Lesley Ingham (Chairman) and Anita Walker.

OFFICERS PRESENT: Robin Harris, Kellie MacKenzie and Angela Seaward.

ALSO IN ATTENDANCE: Mr Geoff Rowley (representing Kent Police), Mr Uzum (former licence holder) and Mr Ozkul (the respondent).

642 FIRE EVACUATION PROCEDURE

The Fire Evacuation Procedure was noted.

643 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman welcomed everyone to the meeting and outlined the procedure that would be followed.

644 DECLARATIONS OF INTEREST

No interests were declared.

645 REVIEW OF PREMISES LICENCE UNDER THE LICENSING ACT 2003

Mrs Angela Seaward, Senior Licensing Officer, introduced the application for a review of the Premises Licence at Best One, 1-3 High Street, Sittingbourne following a visit by HM Revenue and Customs (HMRC) and the Police on 11 February 2016 when 58.8 litres of whisky that was non-duty paid was removed from the premises. In addition, two of the current licence conditions were being breached.

The Senior Licensing Officer reported that following this incident an application had been received to transfer the Licence Holder, and variation of Designated Premises Supervisor following the sale of the business. The premises name had changed to Sittingbourne Food & Wine and details of this were contained within the Addendum Report which was tabled for Members.

Mr Geoff Rowley, representing Kent Police as the applicant, presented their case. He drew attention to Home Office guidance issued under Section 182 of the Licensing Act 2003 which stated that this type of activity should be treated particularly seriously and that revocation of the licence should, in the first instance, be seriously considered.

In response to a query from the Senior Lawyer (Contentious), Mr Rowley confirmed that the alcohol seized was not counterfeit but non-duty paid.

Mr Onur Ozkul, the respondent, explained that he had taken over the premises on 24 February 2016. He was not aware that alcohol had been seized at the premises or that there were conditions attached to the licence.

In response to a query from the Chairman, Mr Rowley stated that DC Angus was not able to attend today's hearing as she was attending another licensing review at Gravesham Borough Council.

Following a question from the Senior Lawyer (Contentious), Mr Rowley stated that they had no objections to Mr Ozkul taking over the business. They considered that suspending the licence for a short period of time was the best course of action. Mr Rowley referred to the conditions they were proposing, outlined in Appendix A of the committee report, which he read out for Members.

In response to questions, Mr Ozkul, apologised that he was not aware of the conditions of the licence. He explained that he was inexperienced but was willing to learn. He confirmed that he would be happy for the additional conditions requested by the Police to be included on the licence if imposed by the Committee. He concluded that he just wanted to operate a successful business.

In summing up Mr Rowley stated that whilst they had no objection to Mr Ozkul operating the licence they would like to see some sort of action taken in respect of the non-duty paid alcohol.

Members of the Sub-Committee adjourned to make their decision at 10.33am. Members of the Sub-Committee, the Senior Lawyer (Contentious) and the Democratic Services Officer returned at 11.30am, when the meeting was reconvened.

The decision, as set out at Appendix I to these minutes was announced.

Resolved: The Sub-Committee agreed to grant the application for review in part subject to conditions necessary for the promotion of the licensing objectives.

Chairman

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