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## LICENSING SUB-COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber - Swale House, East Street, Sittingbourne, Kent ME10 3HT on Friday, 14 June 2019 from 10.08am - 1.35 pm.

**PRESENT:** Councillors Roger Clark (Chairman), Richard Darby and Carole Jackson.

**OFFICERS PRESENT:** Robin Harris, Chris Hills and Jo Millard.

**ALSO IN ATTENDANCE:** Mrs Rufsana Al-Din, and Mr Raihan Al-Din (applicants), Mr Gary Dolan (applicant's solicitor) and PC Chris Hills, PC Dan Hunt (Kent Police)

### 52 EMERGENCY EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

### 53 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman opened the meeting and asked those present to introduce themselves.

### 54 DECLARATIONS OF INTEREST

No interests were declared.

### 55 EXCLUSION OF PRESS AND PUBLIC

**Resolved:**

***That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Schedule 12A of the Act:***

***7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.***

### 56 APPLICATION FOR A GRANT OF A PREMISES LICENCE

The Licensing Officer introduced the report which was for an application for the grant of a premises licence at the Spice Lounge, 76 West Street, Faversham. She drew attention to the proposed licensable activities and operation hours and advised that the existing premises licence was revoked by a previous Sub-Committee, due to breaches of employment rules in relation to the employment of staff. The Licensing Officer highlighted the full reasons for the revocation of the Licence in the Notice of Determination. She advised that the former owner had appealed the decision in order to give the current premises owners the opportunity

to apply for a licence in their own right, but for the business to remain open and operating licensable activities in the meantime.

The Licensing Officer advised that during the 28 days consultation period, two relevant representations had been received, from Kent Fire and Rescue and Kent Police Licensing, and that no other relevant representations were received from the public.

The Chairman invited Members to ask questions of the Licensing Officer. There were no questions.

Mr Gary Dolan, Barrister for the applicant, Mrs Al-Din, said that the previous difficulties were no longer applicable as the former owner would not be involved once a new licence was in place, and the current applicant was fully aware of her responsibilities. He added that the applicant's husband Mr Al-Din, did work for the previous owner as the Head Chef but had no management responsibility. Mr Dolan referred to the objection by Kent Fire and Rescue and advised that the relevant Certificate had now been provided. The applicant provided evidence of the certificates later in the meeting.

The Chairman invited Members to ask questions of the applicant's Barrister. There were no questions.

In response to a question from PC Chris Hill (Kent Police), the applicant advised that the former owner's current role was to supervise the sale of alcohol. In the discussion that followed, PC Hill questioned whether the former owner was a responsible person to be involved in the business and suggested alternative, more responsible options of keeping the restaurant open to the public.

The applicant explained that she had been given poor legal advice by her previous solicitor and was new to the restaurant business. She clarified her relationship with the previous owner.

PC Dan Hunt presented his case. He outlined the details of visits when illegal workers had been at the premises and explained paperwork he had seen at the time of the completion of the sale which showed only the contents of the restaurant sale, not the building. He explained the business had been sold to Spice Lounge Ltd and the applicant and her husband were company directors. PC Hill considered that there had been many contradictions and misleading information provided by the applicants and that licensing objectives were being undermined.

The Chairman invited the applicant's Barrister to ask questions. In response to a question on the sale of the contents of the restaurant, PC Hill said that the impression was given that the premises was being sold, not just the contents.

A Member asked what the value of the fixtures and fittings were? The applicant advised the value was £10k.

The Senior Lawyer (Contentious) asked whether the applicant was suitable to hold a licence and how could she demonstrate this? In response, PC Hill said there were more responsible ways of running the business during the interim such as not

selling alcohol. He stressed that he considered keeping the former owner involved in the business was very irresponsible and was a short term money vision rather than upholding licence provisions. He added that alternative options should have been suggested by her Barrister, not Kent Police. PC Hill said that he was concerned that the previous owner would still be involved in the future.

In response, the applicant said that she had followed her previous solicitor's advice but he was inexperienced, and she accepted she had been poorly advised.

In summing up, PC Hunt expressed his concern of the former owner's involvement and considered that there had been a manipulation of the Licensing Act to undermine the previous Sub-Committee's decision. He had concerns in the gaps in the applicant's knowledge to fulfil the role but accepted her intentions were genuine. He said that he opposed the granting of the Licence.

Mr Dolan acknowledged PC Hunt's fair closing remarks. He said that the applicant knew any future breach would lead to an instant revocation, knew of the fines levied and was very clear on her responsibilities. He highlighted that there had been no issues since she had taken over, drew attention to the poor legal advice previously received and he understood there would be speculation due to the previous history of issues with the former owner. He said that the applicant had been open and regretful about the past but asked for the panel to give her a chance and allow the application.

Members of the Sub-Committee adjourned to make their decision at 11.29am.

At 1.02pm Members of the Sub-Committee, the Senior Lawyer (Contentious) and the Senior Democratic Services Officer returned to the meeting and a further adjournment was agreed.

At 1.30pm Members of the Sub-Committee, the Senior Lawyer (Contentious) and the Senior Democratic Services Officer returned when the meeting was re-convened.

The Decision, as set out in these minutes at Appendix I was read out.

***Resolved:***

***(1) That the Sub-Committee agreed to grant the licence subject to conditions.***

Chairman

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Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel