
LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 23 February 2023 from 10.09 am - 12.16 pm.

PRESENT: Councillors Carole Jackson, Lee McCall and Mike Whiting (Chair).

OFFICERS PRESENT: Chris Hills, Kellie MacKenzie, Jo Thomas and Helen Ward.

OFFICERS PRESENT (Virtually): Billy Attaway and Philippa Davies.

ALSO IN ATTENDANCE (Virtually): Councillor James Hunt.

703 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

704 **Notification of Chair and Outline of Procedure**

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

705 **Declarations of Interest**

No interests were declared.

Part B Minutes for Information

706 **Review of a premises Licence under the Licensing Act 2003**

Members of the Sub-Committee adjourned at 10.18 am to read the additional evidence submitted.

Members of the Sub-Committee, the Lawyer (Contentious), and the Democratic Services Officer returned to the meeting at 10.40 am.

The Licensing Officer introduced the report which was for a review of the premises licence at Londis Iwade (Nisa), 3 School Mews, Iwade following a request by Kent Police. She reported that following a visit to the premises on Wednesday 9 November 2022, Kent Police found two members of staff working illegally by working contrary to the conditions stipulated on their Visas as set out in Appendix II of the report. The Licensing Officer advised that the grounds for the review were in order to promote the following licensing objectives: The prevention of crime and disorder and the protection of public safety. The Licensing Officer also drew attention to Appendix III of the report which set out the relevant sections of the Immigration, Asylum and Nationality Act 2006 which employers should check.

The Licensing Officer said that additional evidence had been submitted which had been shared with Members and interested parties. She reported that Kent Police sought revocation of the licence. The Licensing Officer drew attention to section 6.1 of the report which set out the options open to the Sub-Committee in determining the application.

707 **Exclusion of the 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 Paragraphs 1 and 2 of Schedule 12A of the Act:

- 1. Information relating to any individual.***
- 2. Information which is likely to reveal the identity of an individual.***

708 Review of a Premises Licence under the Licensing Act 2003

The Chair invited Kent Police to present their case. PC Alexander Guise outlined the information to support their application as set out in Appendix II of the report. He set out their concerns in respect of the Designated Premises Supervisor (DPS) and the inconsistencies and contradictions with some of the statements made. PC Guise explained that just prior to the hearing they had met with the Premises Licence Holder and their representatives and agreed to the removal of the Designated Premises Supervisor and amendments to existing conditions and additional conditions on the licence. PC Guise said that in light of those discussions they were no longer seeking revocation of the licence.

The Chair invited Members and officers to ask questions.

In response to questions, PC Guise confirmed that only two members of staff were present in the premises on the date of the incident and the shop was fully functioning. He said he was not aware of any other persons arriving at the shop by the time officers left.

The Chair invited the Premises Licence Holder's representative to present their case. The representative said the Premises Licence Holder had held the licence for the premises since 2013 and this was the first representation made against the premises in that period. The representative said that if the licence to sell alcohol was removed the Premises Licence Holder would have to close the premises as it would no longer be viable.

The Premises Licence Holder's representative outlined the changes and additional conditions proposed. He said they already had a replacement DPS in mind and the person already worked in the shop and lived closer to the premises than the existing DPS. The Premises Licence Holder's representative said that the new DPS would attend an approved BIIAB Designated Premises Supervisor course or equivalent as soon as practicable, and considered it was appropriate and proportionate to remove the current DPS within five working days of the review decision.

Members of the Sub-Committee adjourned at 11.35 am to make their decision.

Members of the Sub-Committee, the Lawyer (Contentious), and the Democratic Services Officer returned to the meeting at 12 pm to discuss with all parties the inclusion of an additional condition (iv). Discussion ensued and Members took into account comments made by both the Police and the Premises Licence Holder, resulting in some amendments to the proposed wording.

Members of the Sub-Committee adjourned at 12.05 pm to make their decision.

Members of the Sub-Committee, the Lawyer (Contentious), and the Democratic Services Officer returned to the meeting at 12.13 pm and the decision, attached as Appendix I to these minutes, was announced.

Resolved:

- (1) That the Designated Premises Supervisor be removed.**
- (2) That conditions be added and amended as set-out in the Decision Notice.**

Appendix I

Chair

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, 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