

**Minutes of a Meeting of the  
WBC Sub Committee of the Licensing and Control Committee 'B' of  
Worthing Borough Council**

**Council Chamber, Town Hall, Chapel Road, Worthing**

**Thursday 20 November 2014**

Councillor Paul High (Chairman)

Councillor James Doyle

Councillor Mark Nolan

Also Present:	Simon Jones	Senior Licensing Officer
	Caroline Perry	Solicitor
	Chris Cadman-Dando	Democratic Services Officer
	Mr Bulent Colak	Objector
	Rabbi Moshe Dadoun	Applicant
	Mr Nimish Khatri	Prospective Business partner and proposed DPS

**LCCB/14-15/20    Declarations of Interest / Substitute Members**

There were no declaration of interest

**LCCB/14-15/21    Licensing Act 2003 – Application for a new Premises Licence at:  
Bargain Booze, 4-6 South Street, Tarring, Worthing**

Before the Sub Committee was a report by the Director for Customer Services, a copy of which had been distributed to all members, and a copy of which is attached to the signed copy of these minutes as item 2. The application had been the subject of formal representation by a responsible authority, two local ward councillors and another person. It therefore fell to the sub-committee to determine.

The applicant and Sussex Police had been in mediation and agreement had been reached with the applicant volunteering all the conditions requested by Sussex Police. Officers had been in mediation with the applicant on behalf of the ward councillors and agreement had been reached with the applicant volunteering all the conditions requested by the two Councillors that had made representation; Councillors Smytherman and Thorpe.

The Senior Licensing Officer introduced the report to the Committee and updated the committee on recent developments. Members were told that if the application was granted the applicant intended to nominate a Mr Nimish Khatri as the Designated Premises Supervisor (DPS) who would run the business. The Senior Licensing Officer explained that he had been told that Mr Nimish Khatri was in possession of a personal licence but that he could not confirm that fact at the hearing. The senior licensing officer confirmed with the applicant that the application summary had represented an accurate outline of the application.

A Member noted that the application did not name a DPS and questioned whether this posed a risk and what safeguards were in place should the licence be granted without a DPS. The Senior Licensing Officer stated that there would need to be a further application to appoint a

DPS which gave the Police an opportunity to object if they had any concerns, if the police raised an objection then the matter would have to be brought back to the Committee.

Mr Bulent Colak who ran an off licence in the area made his representation to the Committee. Members were told that when the previous premises had been open street drinkers had frequented the area. Following the closure of the premises troubles had reduced and it was purported that granting a licence to the premises would bring street drinkers back into the area. It was suggested that those previously connected with the premises were still working there which was concerning given the previous issues with the premises.

A Member sought clarification regarding the previous owners. The senior licensing officer recapped that the previous premises licence had been revoked following two reviews. Members were told that the senior licensing officer had contacted the police regarding the presence of the previous owners at the premises and had been told that the police had no evidence of them being involved in the business. The applicant informed members that he had let the previous tenants stay above the shop whilst they found somewhere to live and that they had been helping out by demonstrating how the machines in the shop operated.

The applicant asked Mr Colak what he sold at his shop. Mr Colak stated that about 90% of the stock in his shop was alcohol.

The applicant made his representation. Members were told that he helped the previous licence holders by letting them stay in the flats above the premises and he had tried to run the shop as a food only business but found he was not able to sell the business without a licence. Members were told that the previous owners would be leaving the accommodation above the shop and explained further the faith that he had in Mr Nimish Khatri the prospective DPS.

A Member asked about the experience of Mr Nimish Khatri and were told that Mr Nimish Khatri had ran a licence in London for four years and is the current DPS at a shop in Teville Road in Worthing since the previous March. Members were told that Mr Nimish Khatri intended to run a business with a greater focus on food.

A Member asked about the presence of the previous owners in the shop. The applicant said that it was difficult to sell an empty shop and the previous owners had kept the shop ticking over selling food only. The applicant stated that he had contacted the police on the matter and they had said that it was ok for them to work there as long as they were not selling alcohol. Members were told further that the previous owners would no longer be living at the premises when the new DPS took over the following weekend.

The parties summed up their cases and the meeting adjourned for the Sub-Committee to consider its decision.

*The meeting was adjourned at 7.11pm for the committee to consider its decision*

*The meeting was reconvened at 7:25pm*

The meeting was told that in reaching its decision, the Licensing Sub Committee gave due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Sub Committee also gave regard to Human Rights legislation and the rules of natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Sub Committee did so with a view to promoting the Licensing Objectives, the relevant objectives being the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

**Resolved:** that the application be granted as requested between the hours of

- 0700hours and 2300hours Monday to Friday
- 0900hours and 2200hours on Saturday
- 0900hours and 2100hours on Sunday

The licence will contain the conditions that were agreed between the applicant, Police and ward councillors. These conditions are detailed at paragraphs 8.2 and 8.3 of the report attached to the signed copy of these minutes.

**Reasons for Decision:** The licensing sub-committee is satisfied that the premises licence would not undermine the licensing objectives. The applicant has taken into account the concerns of the Police and ward councillors and conditions have been agreed between the parties. The licensing sub-committee believe that the concerns of Mr Colak, who made representations, have been addressed by the mediated conditions.

**Advice to Parties Present:** The licence holder and those who had made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court.

Interested parties are reminded that they may apply for a review of this licence 'after a reasonable interval' pursuant to section 51 of the Licensing Act.

Any licence granted under the Licensing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises.

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of a premises licence.

The meeting was declared closed by the Chairman at 7.28pm, it having commenced at 6.30pm.

**Chairman**