

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

The Gordon Room, Worthing Town Hall

31 July 2024, 6.30 pm

Councillor Cathy Glynn-Davies (Chair)
Councillor Claire Hunt Councillor Lysanne Skinner

LCSC/4/24-25 Declarations of Interest / Substitute Members

Councillor Cathy Glynn-Davies declared that she had family members in Worthing who were involved in the licensing trade but she was not predetermined regarding this review.

There were no substitute Members.

LCSC/5/24-25 Exclusion of the Press and Public

Resolved: that due to mediation between Trading Standards and the licence holder, this hearing no longer needed to be held in private and would be audio recorded from this point onwards.

**LCSC/6/24-25 Licensing Act 2003 – Application for the Review of a Premises
Licence under Section 51**

Before the Sub-Committee was a report by the Director for Sustainability & Resources, which has been circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 3. Members were requested to consider and determine an application for a Licence Review from Trading Standards.

Presenting Officer outlined the application

The Licensing Officer presented the report explaining why the application had been brought to Committee and clarifying that, since agenda publication, Trading Standards had successfully mediated with the licence holder. Trading Standards had proposed that the licence holder incurred a three month suspension of the licence and that a new set of conditions would supersede the current ones. The licence holder had agreed to these actions. In the light of this mediation West Sussex Police had withdrawn their representation. The representations from West Sussex County Council Public Health dept. and the Fire Service remained. The Committee members were now required to determine whether the sanctions to be imposed were satisfactory.

The applicant confirmed that the Licensing Officer had provided an accurate outline of the application.

Questions from Members for the presenting Officer

There were none.

Representation from the Applicant (Trading Standards)

The applicant presented his report explaining the circumstances and investigations that had resulted in the review being requested.

Questions from Members to the Applicant

Members enquired why Trading Standards were now satisfied with a three month suspension of the licence that had been agreed in mediation, when they had originally suggested that the licence be revoked. Trading Standards explained that their aim was to deter licence holders from breaching their conditions and they considered, in this case, where the licence holder was contrite and anxious to be compliant, a three month suspension would still act as a deterrent. Trading Standards also understood that a revocation can have a catastrophic effect on a business, which they would prefer to avoid. In addition, revocation would most probably lead to an appeal whereas a suspension, particularly when agreed to in mediation, would be unlikely to be appealed. Trading Standards also confirmed for the committee that the decision would be implemented following the 21 day appeal window.

Representation from the Licence Holder's Representative

The licence holder's representative explained that the licence holder completely accepted the facts presented by Trading Standards and were genuinely remorseful. The representative also highlighted that in the three years the licence holder had traded from this premises there had been no other similar occurrences. The licence holder had agreed with all the new conditions and had suggested adding a further one regarding the tobacco storage arrangements on the premises. In addition they had upgraded their CCTV systems and were currently working with the Fire Service to ensure compliance.

Questions from Members to the Licence Holder

Members had questions for the licence holder regarding how long he had been trading in Worthing and what percentage of his sales at this premises were from alcohol and tobacco. The Licence holder clarified he had been trading in Worthing since 2021 but had been in the same business elsewhere for 15 years. He estimated that 20 - 25% of his sales were from alcohol and tobacco.

Questions from Applicant to the Licence Holder

There were none.

The meeting adjourned to go into closed session at 7 40m.

In reaching its decision the Licensing Sub-Committee has given due regard to the following:

- The statutory licensing objectives
- Worthing Borough Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003.
- The application, written/oral representations made at the hearing and in writing.
- The Committee also gave regard to human rights legislation and the rules of natural justice.
- In discharging its functions the Committee did so with a view to promoting the Licensing objectives, the relevant objective in this case being the Prevention of Public Nuisance.

Resolved: The Committee resolved to -

1. suspend the premises licence for a period of three months
2. include the additional licence conditions as detailed in the email from West Sussex Trading Standards dated 29 July 2024 at 12.33 hours
3. include the additional condition proposed at the Committee hearing by the licence holders

The reason for the decision is:

The Licensing Sub-Committee carefully considered the written and oral evidence before them in reaching their decision.

The Sub-Committee noted that the licence holders have accepted the seriousness of these matters and have shown remorse.

The Sub-Committee was encouraged that mediation has taken place between the licence holders and Trading Standards and note that the licence holders have acknowledged the matter is so serious that they have accepted that along with additional conditions being imposed a three month suspension of the premises licence is warranted. It is also noted that Sussex Police have indicated they are content with the mediated agreement. The Guidance from the Home Secretary issued under Section 182 of the Licensing Act 2003 (amended December 2023) was considered, in particular paragraph 11.27 which states that criminal activity that may arise in connection with licensed premises should be treated particularly seriously. As such, the Sub-Committee is of the opinion it is appropriate and proportionate to suspend the premises licence for three months and to include additional licence conditions as detailed above to ensure that the licensing objectives are upheld. In addition, this will serve as a deterrent for other premises in the locality that these actions will not be tolerated.

Advice to parties:

Those who have 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 Licencing 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 when you do not have a licence in place and you may be prosecuted.

The meeting ended at 7.52 pm

Chair