

Licensing Sub-Committee

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| Held at: | Council Chamber - Civic Centre Folkestone |
| Date | Monday, 14 February 2022 |
| Present | Councillors Gary Fuller, Mrs Jennifer Hollingsbee and David Wimble |
| Apologies for Absence | |
| Officers Present: | John Bickel (Licensing Specialist), Tim Hixon (Legal Specialist), Sue Lewis (Committee Services Officer), Jack Pearce (Legal Trainee) and Briony Williamson (Licensing Specialist) |
| Others Present: | Minute 25 – Justin Simpson, Immigration Enforcement (applicant), Mr Hayat Sultan (licence holder) and the applicant's son Minute 26 – Mr Ersin Demir (applicant) and James (Manager) |

23. **Election of Chairman for the meeting**

Proposed by Councillor David Wimble
Seconded by Councillor Gary Fuller and

Resolved: That Councillor Mrs Jenny Hollingsbee is Chairman for the meeting.

(Voting: For 3; Against 0; Abstentions 0)

24. **Declarations of interest**

There were no declarations of interest.

25. **An application for a Review of a Premises Licence in respect of: Palmarsh Garage**

The report outlines the application made by Home Office - Immigration Enforcement, for a Review of the Premises Licence at a Petrol Garage in Palmarsh following enforcement action taken by them.

The Licensing Specialist outlined the report with no additional information to be added.

Justin Simpson (Immigration Enforcement) outlined the reasons for the application to be brought to the sub-committee informing that there was a significant risk that the licensing objectives of preventing crime and disorder and protection of children from harm were being undermined. He outlined the Immigration Act and guidance.

Mr Hayat Sultan, the licence holder was given an opportunity to speak, noting the following:

- Refuse the allegations noting that Immigration were acting on assumptions and not facts.
- It is a family run business who work hard for long hours
- There are no illegal immigrants working on the site, just family members
- On the day in question the neighbour, who is also a tenant of the licence holder, was asked to close the shop and garage up but unfortunately this did not happen immediately
- The family respect the law, are tax payers with no illegal activities
- New CCTV cameras, at a cost of £5000 have been fitted.

The Licensing Sub-Committee and Legal Specialist asked the licence holder various questions, and the following points were discussed:

- Why were the premises left unattended?
- Who should have been on site?
- One witness statement claims a female was getting petrol but was then unable to pay due to the property being unattended
- Are copies held of who works on site and when?
- It was a period of 20 to 30 minutes with no one in attendance
- Has this happened before?
- Why did the son not lock up before leaving the premises?
- How will it not happen again?
- Immigration informed that a male ran away from the property – was this a family member?
- Was there CCTV in the shop at the time of the incident?

The licence holder responded to the issues raised and made the following points:

- The neighbour was asked to lock up the property but unfortunately this took time
- The son should have been there but was called away to his pregnant wife
- The CCTV was not working at the time but a new system is now in place
- This has never happened before and additional things have now been put in place such as the CCTV
- Only family members work on the premises.

Proposed by Councillor David Wimble
Seconded by Councillor Gary Fuller and

Resolved:

The Sub-Committee are satisfied that the licensing objective “Protection of Children from Harm” has been undermined by leaving the garage unattended and for these reasons the license is suspended for 3 months and in addition the following conditions be added to the licence:-

- 1. CCTV to cover the forecourt and shop during opening hours to be retained for a minimum period of 28 days and to be made available to officers of the Licensing Authority on request at all times.**
- 2. To make available on request by the Licensing Authority details of staffing records.**

(Voting: For 3; Against 0; Abstentions 0)

26. An application to Vary the Premises Licence in respect of: Sunshine Restaurant, 35-39 High Street, Hythe, Kent, CT21 5AD

The report outlines the application made by Mr Demir to Vary the existing Premises Licence for this premises.

The Licensing Specialist outlined the report with no additional information to be added.

The Manager informed the sub-committee that the change is for extended opening hours for the restaurant and sale of alcohol. This would also include live/DJ music. This was trialled in December 2021 and it was felt customers liked this.

The Licensing Sub-Committee asked the applicant various questions, and the following points were discussed:

- The objections received and what can be done to mitigate concerns
- Any issues reported to the Licensing Authority in respect of noise (this was aimed at the Licensing Specialist)
- When will the DJ start?
- Will the applicant work with residents to alleviate their concerns?
- Can others enter the premises when the music starts?
- Any previous police issues?

The Manager responded to the issues raised and made the following points:

- A sound limiter will be added to the equipment
- The noise from the extractor fan will be addressed
- The police have been called twice to the premises in respect of two issues, anti-social behaviour and a window got smashed following a fight outside, no arrests were made

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- The music will play in the background during the serving of food once this has finished then the DJ set will begin
- The premises will be shut to new entrants coming in at 11pm.
- They intend to work with residents and address their concerns and will provide contact details for them to report any issues.

This decision is based on the following Licensing Objectives:

- The prevention of crime and disorder
- The prevention of public nuisance

Proposed by Councillor Gary Fuller

Seconded by Councillor David Wimble and

Resolved: To grant the variation to the existing Premise Licence with the following condition to be added to the Licence:

To refuse entry to new patrons after 11pm.

(Voting: For 3; Against 0; Abstentions 0)