

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**2.00pm 16 DECEMBER 2014**

**COMMITTEE ROOM 1, BRIGHTON TOWN HALL**

**MINUTES**

**Present:** Councillors: Simson (Chair); Bennett and Gilbey

**Officers:** Jean Cranford, Licensing Manager; Rebecca Sidell, Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**49 TO APPOINT A CHAIR FOR THE MEETING**

49.1 Councillor Simson was appointed Chair for the meeting.

**50 PROCEDURAL BUSINESS**

**50a Declaration of Substitutes**

50.1 There were none.

**50b Declarations of Interest**

50.2 There were none.

**50c Exclusion of the Press and Public**

50.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

50.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

**51 APPLICATION FOR A NEW PREMISES LICENCE, LA GIGO GI, NAVRUM COURT, 56 QUEEN'S ROAD, BRIGHTON**

- 51.1 The Panel considered a report of the Director of Public Health requesting that they determine a New Premises Licence Application under the Licensing Act 2003 for La Gigo Gi, Navrum Court, Queen's Road, Brighton.
- 51.2 Catriona MacBeth was in attendance on behalf of the Council's Trading Standards section.

**Introduction by the Licensing Officer**

- 51.3 The Licensing Manager, Jean Cranford explained that the application was for a New Premises Licence under the Licensing Act 2003. The application site was located in a row of terraced buildings and had a shop front entrance with one door as entrance /exit. It was just one L shaped room with a small servery area to the left and rear of room with display cabinets on the left and rear walls and a stairwell down to an area that had both Male and female toilets. The central area in the vacant space had several tables and chairs for customers to take coffee, snacks and meals. It was proposed that alcohol would be supplied every day between 10:00 to 21:00 on the premises (amended following consultation with the Police in respect of sales on/off the premises), with the premises open to the public every day from 08:00 to 22:00.
- 51.4 Two representations had been received, from the Director of Public Health and from Trading Standards expressing concerns relating to crime and disorder. A representation received from Sussex Police which included conditions relating to Prevention of Crime and Disorder, Cumulative Impact, Public Safety, Prevention of Public Nuisance, and the Protection of Children from Harm. The representation had been withdrawn subsequently as the applicant had agreed to the conditions proposed and had amended their operating schedule accordingly.

**Representations by Other Parties**

- 51.5 The comments made on behalf of the Director of Public Health were noted. The premises was located in the St Peter's & North Laine Ward which in turn sat within the Cumulative Impact Zone(CIZ).Within the CIZ the onus was placed on the applicant to show the exceptional circumstances which demonstrated how an application within that area would not contribute to the adverse cumulative impact. No information had been provided accompanying the application demonstrating why an exception should be made in this instance. Moreover, the premises were located in a part of the CIZ which had shown the worst levels of higher drinking and alcohol related harm. For these reasons the Director had wished to register formal objection to this application.
- 51.6 Catriona Mac Beth, Fair Trading Officer was in attendance on behalf of the Trading Standards Team stating that representations had been made against the grant of a premises licence as it was considered that the application failed to meet the Licensing Objective of the prevention of crime and disorder as both the premises and the applicant had a history of being linked to criminal activity.
- 51.7 The application as for a new Premises Licence for a café that had been trading without selling alcohol for over a year. The applicant and proposed Premises Licence Holder and DPS, was Alma Dema. Previously these premises had operated as an off-licence with a basement internet café, trading under the name Station Xpress. It was the

applicant's involvement with the off-licensed premises, which Trading Standards were concerned with.

- 51.8 At all relevant times the Premises Licence Holder of Station Xpress was N G Stores Limited, the DPS had been Nicholas Humphries. Trading Standards had established that Alma Dema was managing the premises when non duty paid and stolen alcohol had been discovered on the premises. She was also the manager when breaches of the licence conditions had been identified. At that time she had shown a poor understanding of both the conditions on the Premises Licence and also the Licensing Objectives, despite being a personal licence holder. There had been a catalogue of incidents since 2009 and 2013, which were set out in detail in the report.
- 51.9 Ms Dema had been spoken to at length by officers regarding the sale of illegal alcohol; issues with the price of items either not being programmed in to the till or being shown on the till at a lower price; sales of alcohol to street drinkers who were then causing anti-social behaviour in the neighbourhood and also regarding the storing of alcohol close to the entrance to the premises. Ms Dema had agreed that this would be sorted addressed, in particular that alcohol would be moved away from the entrance. However, on subsequent later visits by the Police none of these issues had been addressed. When it had been raised that the business had failed to provide invoices a folder of them had been produced. When these had been it had been evident that the premises had been receiving substantial quantities of illegal alcohol and supermarket brand stock.
- 51.10 Trading Standards had started to prepare an application for a Licence Review and in the process of doing so it had been discovered that Ms Dema was a Director and Nicholas Humphries was the Secretary of La Gigo Gi 23 Limited and that goods had been supplied to La Gigo Gi 23 Ltd trading as Station Xpress at 65 Queen's Road. It had also been discovered that the Premises Licence Holder, NG Stores Limited had been dissolved in July 2011, that the premises licence had not been transferred and that the premises had therefore been trading without a premises licence. Following discussions with Nicholas Humphries, the DPS and the Licensing Department, Mr Humphries had agreed to cease trading and in consequence Trading Standards had been unable to continue to seek a review of the premises licence.
- 51.11 In concluding Ms MacBeth stated that it was clear that the premises had been linked to criminal activity at a time when Alma Dema the current applicant had been actively involved in the business as a manager. There was poor management and control of the business and poor understanding of the requirements of the Licensing Act, including the Licensing Objectives and license conditions. In the circumstances Trading Standards were concerned that due to the links with criminal activity, the licensing objective of the Prevention of Crime and Disorder would not be met and was therefore inviting the Panel to refuse this application.

### **Representations by the Applicant**

- 51.12 Mr Grant spoke on behalf of the applicant, Ms Dema, he explained that the application was for a small scale of operation for up to 20 covers with alcohol provided with meals to those seated at tables, the hours during which alcohol would be supplied would be limited (nothing after 9.00pm). No issues would arise as a result of late night/ early morning disbursement of customers and furthermore the Police had raised no objections

to the application. Ms Dema had a long experience of working at other premises across the city, including currently at the Royal Oak.

- 51.13 Councillor Simson asked why given the chequered history of the premises Ms Dema had wanted to take the premises over. Councillor Simson also sought clarification of the arrangements under which Ms Dema had taken over the premises e.g., had she purchased them was she the lessee?
- 51.14 Ms Dema stated that although the ability to sell alcohol had been removed from the licence she had wanted to take over the premises and to run it as a different style of operation than had previously been the case. Ms Dema had entered into a formal tenancy arrangement. Following further questioning it was established that the premises was in the ownership of Mr Nick Humphries, but that Ms Dema had entered taken out a lease on the premises and that Mr Humphries would have no involvement in the day to day running of the business.
- 51.15 Councillor Simson also sought confirmation regarding the precise nature of Ms Dema's relationship with Mr Humphries, whether they friends or business partners, bearing in mind that Ms Dema appeared to have direct involvement with the previous premises on a number of occasions when serious breaches of the licensing regulations in terms of the sale of stolen alcohol and or counterfeit alcohol/alcohol on which duty had not been paid had been observed. Councillor Simson also asked Ms Dema to confirm for her what the four licensing objectives were and her understanding of them.
- 51.16 Ms Dema referred to the four licensing objectives stating that she had a clear understanding of them as a result of her long involvement working in the licensed trade (mainly in public houses across the city which also served food). Ms Dema utterly refuted the accounts of the various incidents set out in the papers submitted by Trading Standards, stating that she had, had no direct involvement with the premises when the breaches had taken place and that she had attended in order to assist in Mr Humphries' absence. Ms Dema had known Mr Humphries for some time and had worked with him at the Royal Oak, that was still the case. She wanted to branch out and open a premises of her own and this opportunity had presented itself.
- 51.17 Councillor Simson stated that a number of premises across the city were run by the Dema family, she asked whether Ms Dema was related to any of them and Ms Dema responded that it was not an uncommon surname confirming that she did not have links to any of those premises. Councillor Simson also asked regarding location storage arrangements for the premises and whether the toilets located in the basement would continue to be available for customer use. Ms Dema confirmed that the toilet facilities would be retained for customer use, however, the storage area also located at basement level would to refurbished and would be rented out as a separate entity.
- 51.18 Ms MacBeth asked further questions in relation to the link between Ms Dema and Mr Humphries stating that this appeared to be ambiguous given that notwithstanding what Ms Dema had said to the contrary there did also appear to be a clear business link. Ms Dema re-iterated her earlier comments.
- 51.19 Ms MacBeth also asked why if Ms Dema considered the statements of Trading Standards to be incorrect she had agreed them as a correct record at the time. Ms Dema explained

that confusion had arisen in respect of this issue. She had come along to the meeting, in part in order to clarify the position.

### **Closing Submissions and Decision**

51.20 There were no further submissions and the Licensing Manager therefore gave their closing submission. Each application should be considered on its individual merits and applications should only be refused where it was considered that any of the four licensing objectives would be compromised. Any conditions attached to a licence should be proportionate and enforceable.

51.21 Each of the interested parties and the applicant then gave their closing statements reiterating the points they had made when giving their submissions. Ms Macbeth stated that there was at best confusion regarding the business arrangements between the applicant and her landlord and in her view a clear link to criminal activity linked to the previous use of the premises, the concerns of Trading Standards were such that their concerns remained. Mr Grant spoke on behalf Ms Dema stating that whilst there was confusion regarding her relationship with Mr Humphries Ms Dema had not been associated with any wrong doing herself, the application was modest and the Police had raised no objections in respect of any aspect of the application.

51.22 The Chair of the Panel read the following statement:

“The panel has read all the papers and listened carefully to the representations made today.

“The panel has listened to the arguments put forward by Trading Standards regarding Ms Dema's involvement in previous incidents relating to crime and disorder at these premises, and do consider that she was involved if only by the fact that she was the director of Gigo Gi 23 Ltd and invoices show that Station Express, now Gigo Gi, was trading under this company name.

Ms Dema has expressed quite forcefully that whilst involved in a business relationship with Nick Humphreys, she was unaware of activities at Station Express at the time of Trading Standards visit.

The licence applied for is for limited sales of alcohol, wine and liqueurs only, as an accompaniment to a table meal with no off sales. For the avoidance of doubt, it will be a condition that only wine and liqueurs will be licensed for sale.

The Panel have considered very carefully the risks involved in granting this licence but on balance feels that the licensing objective relating to crime and disorder is not likely to be compromised.

The Panel has also taken into account the conditions agreed with Sussex Police and feel that these along with conditions on the operating schedule will satisfy the licensing objectives.

We are therefore granting this licence.”

51.23 **RESOLVED** – That a New Premises Licence be granted under the Licensing Act 2003 to Ms Alma Dema of La Gigo Gi, Navrum Court, 65 Queen’s Road, Brighton.

**Note:** The Legal Adviser to the Committee explained that notification of the Panel’s decision would be received in writing with details of appeal rights attached.

The meeting concluded at 4.20pm

Signed

Chairman

Dated this

day of