

The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	11.1
Report No	HLB/106/18

Hearing to consider Police Scotland report of conduct inconsistent with licensing objectives

Personal licence holder - HC/INBS/PERS/09/771

Report by the Clerk to the Licensing Board

Summary

This report relates to a hearing under section 84A of the Licensing (Scotland) Act 2005. This is a mandatory hearing which the Board must hold following receipt from Police Scotland of a report advising that the Chief Constable considers that a personal licence holder has acted in a manner inconsistent with any of the licensing objectives.

1. Background

- 1.1 A personal licence is required to allow any individual to supervise or authorise the sale of alcohol.
- 1.2 Mariangela Sulejmani was granted a personal licence on 19 September 2009 and, subject to the terms of the Act, the licence will expire on 18 September 2019.
- 1.3 Mariangela Sulejmani is currently the Designated Premises Manager and Licence Holder at Aurora Hotel, 2 Academy Street, Nairn, IV12 4RJ.
- 1.4 In terms of section 84A of the Act, Police Scotland have submitted to the Board a report dated 29 August 2018 that the Chief Constable considers that personal licence holder, Mariangela Sulejmani, has acted in a manner inconsistent with the licensing objectives of preventing crime and disorder, securing public safety, preventing public nuisance and protecting and improving public health. A copy of this report detailing the conduct in question is attached (Appendix 1).
- 1.5 Section 84A(2) of the Act provides that where the Board receives from Police Scotland a report of this nature, the Board must hold a hearing.
- 1.6 A complaint has also been received from Michael Taylor regarding an assault involving Mariangela Sulejmani which is attached (Appendix 2). This relates to the same incident as that referred to by Police Scotland in Appendix 1.

- 1.7 The personal licence holder, Mariangela Sulejmani, a representative from Police Scotland and the complainant, Michael Taylor have been invited to attend the hearing. They have been advised of the hearing procedure which will be followed at the meeting and which may also be viewed via the following link:

http://highland.gov.uk/hlb_hearings

2. Legal position

- 2.1 At the hearing, the Board may, after giving the licence holder, Police Scotland and such other persons as they consider appropriate an opportunity to be heard, make an order revoking, suspending or endorsing the licence if the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives. The period of any suspension may not exceed 6 months. Alternatively, the Board may decide to take no action.
- 2.2 Separately, where, at the hearing, the Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a personal licence, the Board must make an order revoking the licence.
- 2.3 For the purposes of the Act, the licensing objectives are-
- (a) preventing crime and disorder,
 - (b) securing public safety,
 - (c) preventing public nuisance,
 - (d) protecting and improving public health, and
 - (e) protecting children and young persons from harm.

Recommendation

The Board is invited to hear from the representative of Police Scotland and from the personal licence holder and then to determine whether to make any order revoking, suspending or endorsing the personal licence.

Reference: HC/INBS/PERS/09/771

Date: 6 September 2018

Author: Marjory Bain

Appendices: Appendix 1 – Report/objection from Police Scotland dated 29 August 2018

Appendix 2 – Letter of complaint from Michael Taylor re. Mariangela Sulejmani

29/08/2018

Your Ref: INBS/PERS/09/771

Our Ref: Person 34684

Clerk to the Highland Board
Town House
High Street
Inverness
IV1 1JJ



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Chief Constable

Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A
REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER:**

**Mariangela Sulejmani
2 Academy Street,
Nairn,
Inverness-shire,
IV12 4RJ**

Licence No: HC/INBS/PERS/09/771

The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005, MARIANGELA SULEJMANI has acted in a manner which is inconsistent with the licensing objectives articulated at Section 4(1) of the Act, namely:

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and Improving Public Health

MARIANGELA SULEJMANI is the holder of a Personal Liquor Licence, number HC/INBS/PERS/09/771, issued by Highland Council on 18/09/2009 with an expiry date of 18/09/2019.

Further to this, MARIANGELA SULEJMANI is both Designated Premises Manager and Premises Licence holder for the Aurora Hotel, 2 Academy Street, Nairn, Premises Licence Number HC/INBS/421.

The following information is provided for the Board's consideration.

MARIANGELA SULEJMANI has been convicted of the following relevant offence.

Date	Court	Crime/Offence	Disposal
22/08/2018	Inverness JP Court	Assault to injury NM/900/18	Absolute discharge

Details of the incident are as follows.

NM/900/18

About 2110hrs on Friday 16 February 2018 a man and woman were within the Aurora Hotel, Academy Street, Nairn, having a meal.

At that time both persons were dissatisfied with the quality of the food, as a result the male brought this to the attention of the Designated Premises Manager, MARIANGELA SULEJMANI.

MARIANGELA SULEJMANI refused to accept the grounds for the complaint and remonstrated with the couple. A short exchange took place between the male and MARIANGELA SULEJMANI following which SULEJMANI lunged towards the male, seizing him with both hands by the neck, near to his ears, scratching him in the process.

At that stage MARIANGELA SULEJMANI had to be pulled away by other staff members.

Police were subsequently contacted where statements of complaint were noted and MARIANGELA SULEJMANI was cautioned and charged with an assault.

As a result of the incident the male customer sustained bleeding scratches to both sides of his neck, his ears and the rear of his neck.

On 22 August 2018, at Inverness Justice of the Peace Court MARIANGELA SULEJMANI pled guilty to Assault to Injury, where she received an absolute discharge.

Given MARIANGELA SULEJMANI has launched a vicious attack on a member of the public who was a paying patron within the premises for which she is the licensee and Designated Premises Manager it is clear she has breached four of the licensing objectives as follows:-

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance

- Protecting and Improving Public Health

Although this appears to have been an isolated incident it gives serious cause for concern that a patron should be attacked and injured within the premise they have attended to enjoy a meal. Furthermore, staff members have been put in a precarious position where they have had to intervene, thereby putting themselves at risk of being attacked, injured or assaulted by their employer.

The premises licence for the Aurora Hotel allows children and young persons to be within the restaurant of the premise and it appears extremely fortunate that none seem to have been present both in relation to the risk of injury to them and also to the fact they may have had to witness such a violent and degrading spectacle.

With this in mind, and in terms of Section 84(7) and 84(7A) of the Licensing (Scotland) Act 2005, it is requested the Licensing Board review the Personal Liquor Licence held by MARIANGELA SULEJMANI and take appropriate action.

In signing this report, I confirm that this report is made under the authority of the Chief Constable of Police Service of Scotland:

Signed:



Iain Livingstone QPM
Chief Constable

Date: 29/08/2018

For enquiries please contact the Licensing Department on 01463 720817.

Licensing

From: Michael <bodach_t@hotmail.com>
Sent: 05 September 2018 11:13
To: Licensing; Gray, Bruce
Subject: FW: Liquor Licence Review - Aurora Hotel Nairn

Good Morning

Please see below letter, sent via post today.

Susan Blease

Clerk to the Highland Licensing Board

County Buildings

Strathpeffer Road

Dingwall

IV15 9QN

4th September 2018

RE: Complaint on Personal Licence Holder- Aurora Hotel

Dear Susan

I am writing to make a complaint regarding the issue of an assault at the Aurora Hotel, where I was the victim.

On the 16th February 2018 my wife and I were subjected to both an horrific verbal and physical assault by the licence holder of the above mentioned premises. Both my wife and I were totally unknown to Mrs Sulejmani and had absolutely no prior history with her.

We booked a table on that evening and found the food to be of not a great standard, but we were willing to settle our bill and just leave however when Mrs Sulejmani returned to our table with the bill she asked about the food, we said it was poor quality, she then launched into a tirade of abuse, when my wife questioned her on her lack of customer service words were then exchanged between myself and the lady, she then launched a viscous attack on me tried to tear my face apart with her nails. Her husband managed to contain her but not before she left me with my face and neck cut and bleeding heavily and I was also in considerable pain. In the meantime my wife who was utterly terrified had managed to contact the police, whilst on the call the operator asked if that was the offender that was screaming abuse in the background. We were then subjected to intimidation and abuse for at least 20 minutes until the Police arrived. Mrs Sulejmani told us amongst other things that only drunk people wish to eat at the unearthly time of 8pm, apparently people in Nairn eat at 5.30pm, they only like plain food and she knew we were trouble on arrival, if this had been the case why didn't she refuse us entry. I only add this to reference how appalling a licence holder Mrs Sulejmani is. This was more than an assault it was a sustained attack and if this ladies husband hadn't been present I have absolutely no idea at what stage she would have stopped.

Mrs Sulejmani admitted assault in court on 22nd August 2018.

In my opinion Mrs Sulejmani should not hold a Personal Licence on the grounds that she launched a terrifying verbal and physical attack on two innocent people who were customers in her restaurant, customers I may add, who did nothing more than have the temerity to complain about the quality of the food. The case also hanging over our heads for 6 months caused us a lot of stress and anxiety, it was needless of Mrs Sulejmani to behave in that manner, to date she has not shown one iota of remorse for the terrifying experience she subjected us to that evening clearly demonstrating that she is totally unfit to be a licensee.

I have enclosed photographic evidence of the injuries sustained that evening, I hope the Licensing board will take these pictures into consideration when arriving at their decision.

Yours sincerely

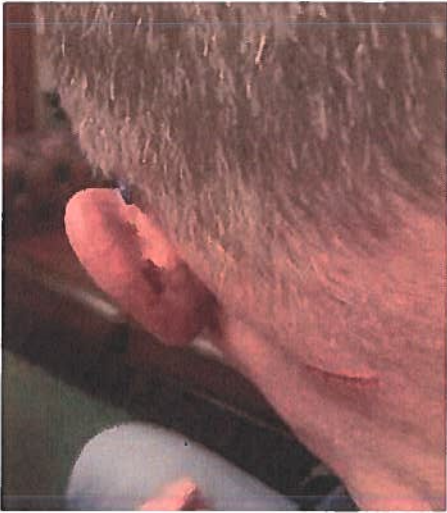
Michael Taylor



16/02/18



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