

Statutory Licensing Sub-Committee

Minutes - 31 August 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Gillian Wildman

Cllr Rashpal Kaur

Applicant for Review – Trading Standards

Gurdip Gill

District Officer

Dianne Slack

Tobacco Control Officer

Premises Licence Holder

Harim Ali Abdullah

Geoff Dixon

Councillor Celia Hibbert

Agent

Responsible Authorities

Sgt Gemma Turner

Michelle Smith

West Midlands Police

Public Health

Employees

Lizzie Gregg

Ronald Sempebwa

Donna Cope

Jacob Stokes

Senior Licensing & Compliance Officer

Solicitor

Democratic Services Officer

Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Family Shop, 34 Birchwood Road, Wolverhampton, WV4 5UH

An application for a review of a Premises Licence in respect of Family Shop, 34 Birchwood Road, Wolverhampton, WV4 5UH had been received from Trading Standards.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. She outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Elizabeth Gregg, Senior Licensing and Compliance Officer, provided an outline of the application. Dianne Slack, Tobacco Control Officer for Trading Standards (applicant), confirmed that the summary was accurate.

The Chair invited Trading Standards to present their application. Dianne Slack, Tobacco Control Officer, did so as per Appendix 3 of the report.

The Chair afforded all parties present the opportunity to question the Applicant in relation to her submission. Dianne Slack, Tobacco Control Officer, provided responses to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Geoff Dixon, Representative for the Premises Licence Holder, Mr Harim Ali Abdullah, did so. He stated that:

- He and his client accepted that everything within the report had happened but there were a number of mitigating circumstances.
- The cans had been bought from a cash and carry legally in West Bromwich and Mr Abdullah had no reason to doubt the legality of the alcohol on the shelves.
- Mr Abdullah could provide details of all purchases.
- Mr Abdullah was only away from the premises for a period of around 15 minutes and he left a gentleman behind the counter to look after the shop who does not normally work there. He accepted that he shouldn't have done that.
- Mr Abdullah had held previous Premise Licences in Northampton and West Bromwich with no incidents.

- Mr Abdullah had been running the Family Shop for a short time having made a significant investment of approx. £35,000 into the business and into the Penn area.
- The shutter had been closed on the day of the tests.
- The CCTV required a pin number and Mr Abdullah was not aware of the pin number on the day Trading Standards visited his shop. It was now working and there was footage of the visit that can be viewed to prove it was working on the day.
- All the issues had been resolved and he had evidence of this.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to his submission. Mr Geoff Dixon and Mr Abdullah responded to questions asked, stating the following:

- The shutter had now been repaired.
- Mr Abdullah was the only person that worked at the premises.
- All issues had been resolved and Mr Abdullah was sorry.
- Mr Dixon was a qualified trainer for the British Institute of Innkeeping so was qualified to teach a premises licence holder to go through a secondary training session if necessary.
- Mr Abdullah had never been told that he wasn't allowed to sell higher puffs and did not know that was displayed in the shop. He did not have them anymore and now only sold 600 puffs vapes.
- Mr Abdullah did not have any staff. He was the only person who worked in the shop. There was a person in the shop at that time of the hearing who was trained and authorised to sell alcohol. There were a further two people who had been trained but they were not staff; they did not have fixed hours, but they had been trained and authorised should a similar situation arise again when Mr Abdullah was away from the premises.

Councillor Celia Hibbert was in attendance to support the Premises Licence Holder. She stated the following:

- The premises had been vacant for a long time before Mr Abdullah had taken over.
- She knew Mr Abdullah personally and when his business had first opened she had made an additional effort to go and check out who he was.
- Mr Abdullah was very responsive, straight forward, polite, and transparent so this incident was a surprise given that he was always at the premises.
- Local people she had spoken to have a positive opinion of Mr Abdullah.
- His business was part of the economic activities that took place in Penn Ward.
- It was a small business which supported his family and local community and it would be a shame to shut it down for just one mistake.
- He was a first-time offender who could be dealt with by a warning and was prepared to accept any conditions and do whatever the Council wanted him to do.
- She had visited the premises to ensure all issues had been rectified.

In response to further questions, Mr Geoff Dixon and Mr Abdullah stated the following:

- Mr Abdullah had never been told that he wasn't allowed to sell higher puffs. He was sorry and it wouldn't happen again.
- He always asked for ID.
- He bought the vapes in good faith and didn't know they were illegal.

The Chair invited West Midlands Police to make representations. Sgt Gemma Turner did so as per Appendix 5 of the report. She stated that West Midlands Police supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives.

The Chair invited all parties present to question West Midlands Police in relation to its submission. Sgt Turner responded to questions asked.

The Chair invited Public Health to make representations. Michelle Smith, Principal Public Health Specialist, did so as per Appendix 4 of the report. She stated that Public Health supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. She stated that the evidence presented was very concerning, and the Premises Licence should be revoked.

The Chair invited all parties present to question Public Health in relation to its submission. Michelle Smith responded to questions asked.

The Chair invited all parties present to make their final address.

Mr Geoff Dixon, Mr Abdullah, Councillor Hibbert and Dianne Slack made final statements.

Ronald Sempebwa, Solicitor, provided legal guidance to Members and reminded them of their available options.

All interested parties, with the exception of the Solicitor and the Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.34 hours.

The Hearing reconvened at 13.12 hours.

All interested parties, with the exception of West Midlands Police, returned to the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Solicitor.

Resolved:

An application had been received on 6 July 2023 from Trading Standards to review the premises licence in respect of the Family Shop, 34 Birchwood Road, Wolverhampton, WV4 5UH. The premises is situated in the Penn Ward.

Relevant representations had been received from the Public Health Authority and West Midlands Police. The Applicant and all those who submitted representations had been invited to attend the hearing of the Statutory Licensing Sub-Committee on Thursday 31 August 2023.

At the hearing on 31 August 2023 members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made.

Having considered all the representations and having regard to the Licensing Objectives, the Statutory Licensing Sub-Committee determined to revoke the Premises Licence with immediate effect under Section 52(4) (e) of the Licensing Act 2003.

An appeal may be made to the Magistrates' Court against the decision, by the Applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of the written notice of decision.