

Statutory Licensing Sub-Committee

Minutes - 18 July 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Rashpal Kaur

Cllr Jonathan Crofts

Applicant for Review – Trading Standards

Stefan Polatajko

Senior Officer

Gurdip Gill

District Officer

Premises Licence Holder

Ian Fellows

Agent

Shangara Singh Pahal

Premises Licence Holder

Bahadur Singh

Employee

MZ

Shop Assistant

Responsible Authorities

Amitabh Singh

Licensing Authority

Kayley Nixon

West Midlands Police

Ryan Hollings

Public Health

Employees

Elizabeth Gregg

Senior Licensing and Compliance Officer

David Abel

Senior Solicitor

Jacob Stokes

Democratic Services Officer

Observers

Bankole Thomas

Licensing Solicitor

Ronald Sempebwa

Licensing Solicitor

Judit Sari

Agent's Clerk

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 Costcutter, 337 Bushbury Lane, Wolverhampton, WV10 9UL

An application for a review of a Premises Licence in respect of Costcutter, 337 Bushbury Lane, Wolverhampton, WV10 9UL had been received from Trading Standards.

Before commencement of the hearing, the Chair sought legal advice from David Abel, Senior Solicitor. He advised that the press and public be excluded from the following items of business to allow the matter to be discussed in full.

The meeting entered private session.

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. Stefan Polatajko, Senior Officer – Trading Standards, confirmed that the summary was accurate.

The Chair invited Trading Standards to present their application. The Senior Officer – Trading Standards did so, as per Appendices 3 and 4 of the report. He stated the grounds for review and noted that actions at the premises had undermined the Licensing Objectives. It was the view of Trading Standards that the Premises Licence be revoked.

The Chair afforded all parties present the opportunity to question Trading Standards in relation to their submission. The Senior Officer – Trading Standards and Gurdip Gill, District Officer – Trading Standards, responded to questions asked.

The Chair invited the Premises Licence Holder to make representations. Mr Ian Fellows, Agent for the Premises Licence Holder, did so, as per information contained within the Supplementary Agenda Pack. He stated the following:

1. The Premises Licence Holder was sorry for the breaches that had occurred at the premises and accepted what had happened.

2. The Premises Licence Holder had been in business for over 35 years, with only one prior incident.
3. The Premises Licence Holder had no intention of selling the illicit vapes seized, would not accept any samples of vaping products in future and would comply with all UK regulations.
4. The premises would cease the sale of any bladed articles with immediate effect.
5. The underage sale of a knife had been carried out by a shop assistant and was a mistake. Comments made during the sale had been to make the customer feel welcome.
6. The Premises Licence Holder would surrender the licence no later than 31 October 2023 and would sell the business.
7. Local people were strongly in support of the store and the service it provided.
8. Mitigation had been undertaken for all incidents.

Mr Shangara Singh Pahal, Premises Licence Holder, read out a prepared statement.

Additional documents from the Premises Licence Holder were provided to the Sub-Committee for consideration.

MZ, Shop Assistant, read out a prepared statement and apologised to the Sub-Committee.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to their submission. Mr Fellows, Mr Singh Pahal and MZ responded to questions asked. Mr Singh Pahal indicated that he was willing to work with Trading Standards.

It was agreed that the Sub-Committee take a short adjournment to allow the Premises Licence Holder to review information contained within Trading Standard's submission.

The Sub-Committee adjourned at 11.20 hours.

The Sub-Committee reconvened at 11.48 hours.

All parties rejoined the meeting.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to their submission. Mr Fellows and Mr Singh Pahal responded to questions asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so as per Appendix 5 of the report. He stated the following:

1. The Licensing Authority fully supported the application for review.
2. Evidence demonstrated that actions at the premises had undermined the Licensing Objectives.
3. The Licensing Authority supported the adding of conditions to the Premises Licence but would recommend revocation if the Sub-Committee felt that further conditions would not be appropriate.

The Chair afforded all parties the opportunity to question the Licensing Authority in relation to their submission. There were no questions asked.

The Chair invited West Midlands Police to make representations. Ms Kayley Nixon, West Midlands Police, did so, as per Appendix 7 of the report and information contained within the Supplementary Agenda Pack. She stated the following:

1. West Midlands Police fully supported the application for review.
2. No training records had been available when officers had visited the premises.
3. Knife crime had increased in the West Midlands and the comments made by the shop assistant had been extremely irresponsible.
4. Any premises that sold knives should always be responsible.
5. West Midlands Police proposed adding conditions that ensured training be enforced if the Sub-Committee decided not to revoke the premises licence.

The Chair afforded all parties the opportunity to question West Midlands Police in relation to their submission. Ms Nixon responded to questions asked.

The Chair invited Public Health to make representations. Ryan Hollings, Senior Public Health Specialist, did so, as per Appendix 6 of the report. He stated the following:

1. Public Health fully supported the application for review.
2. Knife crime had increased, and the neglect of irresponsible Premises Licence Holders only contributed to this.
3. Evidence showed the negative effects that alcohol consumption had on children's health.
4. Wolverhampton was a regional outlier for alcohol-related harm.
5. Public Health supported revocation of the licence.

The Chair afforded all parties the opportunity to question Public Health in relation to their submission. There were no questions asked.

It was agreed that the Sub-Committee be adjourned for a short time.

The Sub-Committee adjourned at 13.10 hours.

The Sub-Committee reconvened at 14.02 hours.

All parties rejoined the meeting.

The Chair invited all parties present to make their final address. There were no final statements made.

The Senior Solicitor provided legal guidance to the Sub-Committee and reminded them of their available options.

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

The Sub-Committee adjourned at 14.09 hours.

The Sub-Committee reconvened at 14.27 hours.

All parties rejoined the meeting.

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

Resolved:

An application was received from Trading Standards on 26 May 2023 for a review of a Premises Licence in respect of Costcutter, 337 Bushbury Lane, Wolverhampton, WV10 9UL on the grounds that actions at the premises undermined the Licensing Objectives of The Prevention of Crime and Disorder and The Protection of Children from Harm.

Relevant representations had been received from the Licensing Authority, Public Health and West Midlands Police as Responsible Authorities, and from Other Persons.

At the Hearing on the 18 July 2023, the Licensing Sub-Committee considered all written evidence and listened carefully to all representations made.

Having had regards to the representations and the written evidence, the Sub-Committee determined that the Premises Licence be revoked.

An appeal could 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 written notice of the decision.