

Statutory Licensing Sub-Committee

Minutes - 25 January 2024

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)
Councillor Rashpal Kaur
Councillor Gillian Wildman

Applicant for Review – Trading Standards

Dianne Slack Tobacco Control Officer
Gurdip Gill District Officer

Premises Licence Holder

Sonia Kaur
Geoff Dixon Agent

Responsible Authorities

Amitabh Singh Licensing Authority
Kayley Nixon West Midlands Police
Ryan Hollings Public Health

Employees

Debra Craner Section Leader
Ronald Sempebwa Solicitor
Donna Cope 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 made.

3 Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Saver Express, 19 Finchfield Road West, Wolverhampton, WV3 8AY

An application for a review of a Premises Licence in respect of Saver Express, 19 Finchfield Road West, Wolverhampton, WV3 8AY had been received from The City of Wolverhampton Trading Standards Department as a Responsible Authority.

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

Debra Craner, Section Leader Licensing, provided an outline of the report. 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 and the Supplementary Agenda pack.

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, did so. He stated the following:

1. His client and her husband, Mr Singh, had held three premises licences over the last 13 years and had never had any issues before.
2. His client was horrified at what had happened and acknowledged the severity of it.
3. The member of staff who made the sale had undergone training but made a mistake and would be retrained.
4. Since the incident his client had done a refresher course and would be returning to work at the store following a period of absence. Her husband, Mr Singh would also undertake the refresher training.

5. His client was unaware that the vapes were illegal and had not tried to conceal them.
6. His client had addressed the other issues raised during the visit from Trading Standards and the licence was now properly displayed.
7. A suspension of the licence to enable robust training would be the appropriate and proportionate action.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to their submission. Mr Geoff Dixon and Mrs Sonia Kaur responded to questions asked.

The Chair invited West Midlands Police to make representations. Kayley Nixon did so as per Appendix 6 of the report. She stated that West Midlands Police fully supported the application for review and agreed that the licence should be revoked or suspended to allow the delivery of training.

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

The Chair invited Public Health to make representations. Ryan Hollings, Senior Public Health Specialist, did so as per Appendix 5 of the report. He stated that Public Health supported the application for review and recommended that the licence be revoked.

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

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so as per Appendix 4 of the report. He stated that the Licensing Authority fully supported the application for review and believed that the actions at the premises had undermined the Licensing Objectives. He agreed that the licence should be revoked or suspended to allow the delivery of training.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. No questions were asked.

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

Mr Geoff Dixon made a final statement.

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

All 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 Hearing adjourned at 14.10 hours.

The Hearing reconvened at 15.06 hours.

All parties returned to the meeting, and the Chair confirmed the decision of the Sub-Committee.

Ronald Sempebwa, Licensing Solicitor, circulated a paper copy of proposed conditions that the Sub-Committee wanted adding to the licence. The Premises Holder and her Agent accepted the conditions and agreed to notify Licensing Services when the training had been carried out.

The decision was summarised by the Solicitor and the full Decision Notice would be sent out to all parties within 5 working days.

Resolved:

An application was received on 1 December 2023 from Trading Standards to review the premises licence in respect of Saver Express, 19 Finchfield Road West, Wolverhampton, WV3 8AY. The review was brought in support of the Prevention of Crime and Disorder and the Protection of Children from Harm Licensing Objectives.

Relevant representations were received from the Licensing Authority, Public Health Authority and West Midlands Police.

The Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all representations made. They heard from the Applicant, Premises Licence Holder ('PLH') and their Agent, Licensing Authority, West Midlands Police and Public Health Authorities.

The Statutory Licensing Sub-Committee considered the evidence presented and had regard to the application, representations made, Guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy.

The Statutory Licensing Sub-committee was very concerned with the underage sales as well as other breaches of licensing conditions which have been set out by the applicant.

Considering all the evidence it had heard, and the circumstances outlined by the applicant, a period of suspension of the Premises Licence of 3 months is appropriate to note the gravity of the situation during which time the PLH, DPS and all other staff to undertake the training outlined by their agent.

Further, and in view of the current inappropriate conditions, the Premises Licence conditions be modified, and the proposed conditions which were agreed by the PLH be uploaded onto the licence schedule.

An appeal may be made to Wolverhampton 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.