

Licensing Sub-Committee

Minutes - 21 February 2017

Attendance

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr John Rowley

Conservative

Cllr Patricia Patten

Employees

Leonie Woodward
Chris Simmonds
Marissa Sehmar
Joanne Till
Dianne Slack
Ben Smart
Mike Hooper

Lead Lawyer
Trainee Solicitor (observing)
Work Experience (observing)
Section Leader – Licensing
District Officer – Trading Standards
Trading Standards Apprentice (observing)
Democratic Services Officer

Item No. *Title*

1 Adjournment

The Sub-Committee was due to consider an application for a review of a Premises Licence in respect of Zina's Supermarket, 130 Lime Street, Penn Fields, Wolverhampton, WV3 0EX, which had been deferred from the Sub-Committee meeting held on 18 January 2017 as the Premises Licence Holder, Mr R. Sharma, had notified Democratic Services and provided evidence to prove that he would not be able to attend as he would be out of the country. Mr Sharma had then confirmed that he was available on the rearranged date and would be in attendance. He was, however, not present.

The Chair proposed that the Hearing be adjourned to allow the Democratic Services Officer to contact Mr Sharma to determine whether or not he would be attending.

Resolved: That the Hearing be adjourned to allow the Democratic Services Officer to contact the Premises Licence Holder to determine whether or not he would be attending.

The Democratic Services Officer was unable to make contact with the Premises Licence Holder.

The meeting reopened in the absence of the Premises Licence Holder.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

There were no declarations of interest.

4 Licensing Act 2003 - Application for a Review of a Premises Licence in Respect of Zina's Supermarket, 130 Lime Street, Penn Fields, Wolverhampton, WV3 0EX

An application for a review of a Premises Licence in respect of Zina's Supermarket, 130 Lime Street, Penn Fields, Wolverhampton, WV3 0EX, had been received from the City of Wolverhampton Council's Trading Standards.

Ms J. Till, Section Leader (Licensing), provided an outline of the application. Mrs D. Slack, Trading Standards, confirmed that the summary was accurate.

Mrs Slack stated the grounds for review as per Appendix 3 of the report.

The Chair invited the Sub-Committee to question Mrs Slack on her representation. Mrs Slack stated the following in response to questions:

- The review was important as the sale of illicit tobacco was dangerous to public health due to the lack of controls over what went into it and the fact that there was no duty to detail tar levels or chemicals on the packet. Cigarettes were priced very

cheaply at £3 per packet, meaning that there was no price disincentive for customers. The price also took profits away from other traders dealing in legitimate tobacco;

- On the first visit to the premises, in February 2016, counterfeit or non duty paid tobacco products were easily found. On the second visit, in September 2016, similar products had been concealed but were discovered through the use of sniffer dogs. The period between visits was relatively lengthy due to the lack of available dogs, which were utilised nationwide. Dogs would again be required if another visit were to take place;
- Public safety, nuisance and the protection of children from harm (due to the “pocket money” prices of tobacco on sale) were key concerns;
- The possibility that illicit tobacco was being sold had been brought to the attention of Trading Standards through reports from members of the public.

The Chair invited officers to question Mrs Slack on her representation. No questions were asked.

Mrs Slack said that she had copies of a letter 27 January 2017 that was sent to Mr Sadeq, previous Premises Licence Holder and Designated Premises Supervisor, and Mr Sharma, current Premises Licence Holder and Designated Premises Supervisor, which summarised a licensing check visit to the premises that took place on 10 January 2017 and offered assistance including an explanation of Trading Standards law. She could also provide details of an interview with Mr Sadeq held under caution. Ms L. Woodward, Lead Lawyer, advised the Sub-Committee that should it wish to consider that evidence it should do so in private session.

Resolved: That in accordance with section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of schedule 12A to the act relating to the business affairs of particular persons.

The Sub-Committee considered the exempt information. A copy of the letter is filed with these minutes.

Resolved: That the Sub-Committee resume in public session.

The Chair invited Mrs Slack to summarise the representation of Trading Standards. Mrs Slack said that Trading Standards had grave concerns as although the Premises Licence Holder role had recently been transferred, the individuals identified in the running of the shop in February 2016 were still heavily involved with the business.

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

All interested parties were invited back to the meeting and the Chair advised them of the decision of the Sub-Committee. The Lead Lawyer detailed rights of appeal.

Resolved: That the Premises Licence be revoked on the grounds that the evidence considered shows a gross mismanagement of the premises, a blatant disregard for

the Premises Licence conditions and undermines the Prevention of Crime and Disorder Objective.