

# Licensing Sub-Committee

Minutes - 10 September 2015

## Attendance

**Chair** Cllr Alan Bolshaw (Lab)

### Labour

Cllr Ian Claymore  
Cllr Keith Inston

### Conservative

## Employees

Linda Banbury  
Jacky Bramley  
Rob Edge

Democratic Support Officer  
Legal Executive/Assistant  
Section Leader - Licensing

*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 review of a premises licence in respect of International Mini Market, 373 Newhampton Road West**

In Attendance

For the Premises

Duncan Craig – Counsel on behalf of Premises Licence Holder

Responsible Authorities

Sarah Hardwick – Council Solicitor

Elaine Moreton – Licensing Authority (applicant for review)

Michelle Smith – Public Health

WPC Lisa Davies – West Midlands Police

Paul Dosanjh – Trading Standards

Witnesses for the Review Applicant

Will Humphries – Section Lead, Environmental Health (Commercial)

Dianne Slack – Trading Standards Officer

Lucy Kendall – Compliance Officer, Environmental Health (Commercial)

The Chair introduced the parties and outlined the procedure to be followed at the hearing.

Rob Edge, Section Leader (Licensing) introduced the review application.

At this juncture Sarah Hardwick, Solicitor, presented the review application on behalf of the Licensing Authority. She summarised the grounds for the review detailed at pages 16 and 17 of the hearing document pack. Based on the grounds for the review and in accordance with Section 52 of the Licensing Act 2003, she advised that the Licensing Authority were seeking a revocation of the premises licence. William Humphries and Dianne Slack summarised the witness statements at pages 23 to 29 of document pack circulated prior to the meeting.

At this juncture Mr Craig requested that the press and public be excluded from the hearing as information relating to ongoing legal proceedings was likely to be disclosed. The meeting was adjourned for this request to be considered.

The meeting was re-convened and the Council's Solicitor advised that, in accordance with paragraph 7 of Schedule 12A to the Licensing Act 2003, the press and public should be excluded from the next part of the meeting as it involved the likely disclosure of action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

The press and public were excluded and the representatives from Trading Standards and Environmental Health (Commercial) answered questions raised by the Sub-Committee and other parties as appropriate.

The press and public returned to the meeting at this point.

At this juncture Lucy Kendall summarised the witness statement at pages 31 to 35 of document pack circulated prior to the meeting and answered questions raised by the Sub-Committee and other parties as appropriate.

At this juncture Mr Craig outlined the case for the Premises Licence Holder. He indicated that the crime committed was not a serious crime as defined in the Licensing Act and that in reaching their decision the Sub-Committee had to weigh up the licensing objectives against the commercial aspects of the premises. He added that any action taken had to be appropriate and proportionate and that nothing had been proven in law at this stage. He further drew attention to the petition submitted in support of the premises.

Responding to questions, he indicated that the review application had been advertised and publicised in the local press so those signing the petition would be aware of the signing of what they were signing. He also responded that he could not comment on the continuation of mistakes made by the Premises Licence Holder.

At this juncture, the Responsible Authorities outlined their representations as follows:

Michelle Smith advised that, given the repeated breaches of licence and offences, Public Health supported the review and recommendation for revocation of the premises licence.

WPC Davies indicated that the West Midlands Police also supported the review application.

At this juncture, in accordance with paragraph 7 of Schedule 12A to the Licensing Act 2003, the press and public were excluded from the next part of the meeting as it involved the likely disclosure of action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Mr Dosanjh summarised the intelligence led operation which took place on 17 July 2015, which was the subject of an ongoing investigation and he responded to questions raised by members of the Sub-Committee and other parties as appropriate.

All parties were afforded the opportunity to make a final statement. The press and public were invited back into the meeting after Mr Dosanjh made a final statement on behalf of Trading Standards. S Hardwick, on behalf of the review applicant, advised that the Premises Licence Holder and Designated Premises Supervisor should be aware of activities ongoing in the premises, that there were continuous breaches of the licence conditions and she therefore requested the Sub-Committee to consider a revocation of the premises licence.

#### **4 Exclusion of press and public**

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.

#### **5 Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the review application and the Solicitor advised them of the options open to them in determining the matter.

#### **6 Re-admission of press and public**

The parties returned to the meeting and were advised of the Sub-Committee's decision as follows:

#### **7 Announcement of decision**

An application has been made by the Licensing Authority for a review of the premises licence in respect of International Mini Market (AKA Sam Euro Style), 373 Newhampton Road West, Wolverhampton, on the grounds of the prevention of crime and disorder licensing objective.

In accordance with the revised guidance dated March 2015 at 11.27 and 11.28 under Section 182 of the Licensing Act 2003, premises that have been used for the criminal activity of sale or storage of smuggled tobacco and alcohol should be treated particularly seriously and where reviews arise and it is determined that the prevention of crime and disorder licensing objective is being undermined through the premises being used to further crimes, it is expected that revocation of the premises licence should be seriously considered, even in the first instance.

The Licensing Sub-Committee have listened very carefully to all representations made by the persons who have spoken at this hearing. They have considered all the evidence presented and have found the following facts:

- That on several occasions, the premises have been used for the sale and storage of illicit tobacco, cigarettes and alcohol.
- Further, that on 27 November 2014 and 17 July 2015, there was found to be several premises licence compliance issues, including the failure to produce a refusals book and the sale of alcohol outside the trading hours of 8 am to 11 pm. This showed a blatant disregard for premises licence conditions and the law, and undermining of the prevention of crime and disorder licensing objective.

Based on the above and having regard to the application, the Sub-Committee have decided to revoke the premises licence. This action is considered appropriate and proportionate for the promotion of the prevention of crime and disorder licensing objective.

An appeal may be made to the Magistrates' Court against the decision by 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 this decision.

**8      Licensing Act 2003 - Application for review of a premises licence in respect of Euroshop, 43 Newhampton Road West**

In Attendance

For the Premises

Mrs Constantine – on behalf of the Premises Licence Holder

Responsible Authorities

Sarah Hardwick – Council Solicitor

Elaine Moreton – Licensing Authority (applicant for review)

Michelle Smith – Public Health

WPC Lisa Davies – West Midlands Police

Paul Dosanjh – Trading Standards (and witness for review applicant)

Witnesses for the Review Applicant

Paul Dosanjh – Trading Standards

Dianne Slack – Trading Standards Officer

The Chair introduced the parties and outlined the procedure to be followed at the hearing.

Rob Edge, Section Leader (Licensing) introduced the review application.

At this juncture Sarah Hardwick, Solicitor, presented the review application on behalf of the Licensing Authority. She summarised the grounds for the review detailed at pages 68 and 69 of the hearing document pack. Based on the grounds for the review and in accordance with Section 52 of the Licensing Act 2003, she advised that the Licensing Authority were seeking a revocation of the premises licence. William Humphries and Paul Dosanjh summarised the witness statements at appendices B and C of the review application circulated prior to the meeting. They answered questions raised by the Sub-Committee and other parties as appropriate.

At this juncture Mrs Constantine outlined the case for the Premises Licence Holder. During her presentation she advised that any illegal substances found in the flat above the premises were nothing to do with the shop which was rented by the Premises Licence Holder. She added that it was intended to transfer the licence to her partner, the premises were to be extended and refurbished and new staff trained. She requested that, should the Sub-Committee be minded to revoke the premises licence, that time (6 weeks) be given to enable new management to be put in place.

She responded to questions raised by the Sub-Committee and other parties as appropriate. She advised that her partner would be the Designated Premises Supervisor (DPS) and that the wife of the previous DPS would be involved during the middle of the day as a shop assistant. Mrs Constantine indicated that she was a para-legal and dealt with some of the paperwork on behalf of the premises. She had taken the refusals book home with the intention of taking it into Trading Standards, but was taken ill and could not fulfil this task. Regarding the refurbishment work to the premises which was currently leased, she advised that the husband of the current Premises Licence Holder intended to buy the property eventually.

At this juncture, the Responsible Authorities outlined their representations. Michelle Smith indicated that Public Health fully supported the review application and the recommendation for revocation of the premises licence, in light of the lack of confidence in the current Premises Licence Holder who would continue to be involved in the premises in the future. WPC Davies, on behalf of the West Midlands Police, concurred with this view.

At this juncture, in accordance with paragraph 7 of Schedule 12A to the Licensing Act 2003, the press and public were excluded from the next part of the meeting as it involved the likely disclosure of action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Paul Dosanjh, on behalf of Trading Standards, outlined information in regard to the grounds for review as detailed at pages 68 and 69 of the review application, including a PACE interview held on 30 April 2015 and to illicit goods seized from the premises. He responded to questions raised by the Sub-Committee and other parties as appropriate.

All parties were afforded the opportunity to make a final statement. Paul Dosanjh made a closing statement, the press and public were invited back into the hearing and WPC Davies and then Mrs Constantine made final statements. S Hardwick, on

behalf of the review applicant, advised that serious crime had been committed together with serious mismanagement of the premises and she therefore requested the Sub-Committee to consider a revocation of the premises licence.

**9 Exclusion of press and public**

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.

**10 Deliberations and decision**

The Sub-Committee discussed the issues which had been raised during consideration of the review application and the Solicitor advised them of the options open to them in determining the matter.

**11 Re-admission of press and public**

The parties returned to the meeting and were advised of the Sub-Committee's decision as follows:

**12 Announcement of decision**

An application has been made by the Licensing Authority for a review of the premises licence in respect of Euro Shop, 43 Newhampton Road West, Wolverhampton, on the grounds of the prevention of crime and disorder and protection of children from harm licensing objectives.

In accordance with the revised guidance dated March 2015 at 11.27 and 11.28 under Section 182 of the Licensing Act 2003, premises that have been used for the criminal activity of sale or storage of smuggled tobacco and alcohol should be treated particularly seriously and where reviews arise and it is determined that the prevention of crime and disorder licensing objective is being undermined through the premises being used to further crimes it is expected that revocation of the premises licence should be seriously considered, even in the first instance.

The Licensing Sub-Committee have listened very carefully to all representations made by the persons who have spoken at this hearing. They have considered all the evidence presented and have found the following facts:

- That on several occasions since 29 August 2014, these premises have been used for the sale and storage of illicit cigarettes, tobacco and alcohol.
- That an illegal taser device was found on the premises on 2 April 2015.
- That on 26 March 2015 and underage alcohol and cigarette sale took place on the premises, for which the seller received a fixed penalty charge.
- That on 28 November 2015, 26 March 2015 and 17 July 2015 there were found to be several premises licence compliance issues, including the failure to produce a refusals book and the sale of alcohol outside the trading hours of 8 am to 11 pm.

The aforementioned show a gross mismanagement of the premises, a blatant disregard for the premises licence conditions and undermining of the prevention of crime and disorder and protection of children from harm licensing objectives.

Based on the above and having regard to the application and relevant representations made, the Sub-Committee have decided to revoke the premises licence. This action is considered appropriate and proportionate action for the promotion of the prevention of crime and disorder licensing objective.

An appeal may be made to the Magistrates' Court against the decision by 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 this decision.