

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 25 March 2019

## Attendance

### Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)  
Cllr Rita Potter  
Cllr Keith Inston

### Premises Licence Holder:

Miss Mihaela Adriana Epuran

### Applicant:

Paul Dosanjh  
Dianne Slack

Service Lead, Trading Standards  
District Officer, Trading Standards

### Responsible Authorities

Elaine Moreton  
Parpinder Singh

Section Leader Licensing  
Senior Public Health Specialist, Public Health

### Officers:

Michelle James  
Richard Phillips  
Donna Cope

Licensing Policy Manager  
Solicitor  
Democratic Services Officer

*Item No.*    *Title*

**1        Apologies for absence**

Apologies were received from Amy Baker, Health Improvement Officer, Public Health, and Sgt Steph Reynolds, West Midlands Police.

**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 Transilvania Shop, 67 Merridale Street West, Wolverhampton, WV3 0RJ**

An application for a Review of a Premises Licence in respect of Transilvania Shop, 67 Merridale Street West, Wolverhampton, WV3 0RJ, had been received from Trading Standards.

The Chair led round-table introductions and outlined the procedure to be followed.

Michelle James, Licensing Policy Manager, provided an outline of the application. Paul Dosanjh, Service Lead, Trading Standards (applicant), confirmed that the summary was accurate.

The Chair invited Trading Standards to present their application. Paul Dosanjh, Service Lead, did so as per Appendix 3 of the report.

The Chair afforded all parties present the opportunity to question the applicant in relation to his submission. Paul Dosanjh, Service Lead, provided responses to questions asked.

The Chair invited Miss Mihaela Adriana Epuran, Premises Licence Holder, to make representations. Miss Mihaela Adriana Epuran stated the following:

- She had not understood the warning in 2016 as she had been on holiday;
- She had purchased illicit cigarettes from car boots and sold them from the premises;
- She had not sought to make money from the cigarettes directly, but it was to encourage customers to make further purchases once in the premises;
- The shop had been robbed at knifepoint which had lost her staff and made the business harder to run;
- She was sorry for her conduct.

The Chair afforded all parties present the opportunity to question the Premises Licence Holder in relation to her submission. Miss Mihaela Adriana Epuran, Premises Licence Holder, provided responses to questions asked.

The Chair invited the Licensing Authority to make representations. Mrs Elaine Moreton did so as per Appendix 5 of the report.

The Chair invited all parties present to question the Licensing Authority in relation to its submission. Mrs Moreton provided responses to questions asked.

The Chair invited Public Health to make representations. Parpinder Singh did so as per Appendix 6 of the report.

The Chair invited all parties present to question Public Health in relation to its submission. Parpinder Singh provided responses to questions asked.

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

Paul Dosanjh, Trading Standards, made a closing statement.

All interested parties, with the exception of the Solicitor and the Democratic Services Officers, 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, which was read out in full by the Solicitor.

Resolved:

Members of the Statutory Licensing Sub-Committee had considered all written evidence and listened carefully to all representations made by persons who had spoken at the hearing. They had considered all the evidence presented and had found the following facts:

They heard from the applicant that:

1. On 16 November 2016, following two separate receipts of intelligence that illicit cigarettes and tobacco were being sold from the premises (the subject of this review), Trading Standards visited the premises, accompanied by a Tobacco search dog. During the visit, Trading Standards officers discovered and seized a large quantity of counterfeit and non-duty paid tobacco products. They were told that to knowingly keep or allow to be kept on relevant premises goods which were imported without duty paid or which had otherwise been unlawfully imported was an offence under section 144 of the Licensing Act 2003. It had been emphasised that mere possession of counterfeit products or illicit tobacco was an offence;
2. Responsibility under the Licensing Act lay with Miss Mihaela Adriana Epuran, as PLH and DPS;
3. The PLH and DPS had previously been given a written warning from Trading Standards in relation to counterfeit cigarettes which had been discovered by West Midlands Police in an unrelated visit in 2016;
4. The aforementioned conduct was serious criminal activity and therefore the applicant requested revocation of the licence in line with the guidance under s182 of the 2003 Act at 11.27 which states that the sale of contraband or counterfeit tobacco was activity that should be considered particularly seriously; and
5. Additionally – the sale of illicit tobacco contributes to the shadow economy, undermines the City's public health activity and drives down the cost of tobacco.

They heard from Miss Mihaela Adriana Epuran, as PLH and DPS that:

1. She had previously not understood the warning in 2016 as she had been on holiday in Romania;
2. She accepted that she had been purchasing illicit cigarettes from car boots and sold them from the premises;
3. That she had not sought to make money from the cigarettes directly but it was to encourage customers to make further purchases once in the premises;
4. She had been at risk of losing her apartment in Greece;
5. The shop had been robbed at knifepoint which had lost her staff and made the business harder to run; and
6. She apologised for her conduct.

They had taken account of the written submissions from West Midlands Police that:

1. The Police Authority supported the application of Trading Standards under the Crime and Disorder licensing objective.

They heard from Mrs Elaine Moreton, Licensing Authority as responsible authority that:

1. The Authority supported the application of Trading Standards;
2. There had been a disregard for the law and failure of management at the premises to uphold the licensing objectives;
3. Public safety issues existed as a result of the criminal activity; and
4. Revocation of the premises licence was appropriate.

They heard from Public Health that:

1. They supported the application of Trading Standards; and
2. The criminal activity did not promote public health objectives relating to smoking for a number of reasons including the public health risk from toxins within the illicit cigarettes and the selling of cheap cigarettes undermines the Government's pricing strategy to reduce the take up of smoking.

The Sub-Committee could take such steps as it considered appropriate for the promotion of the Licensing Objectives.

Paragraphs 11.27 and 11.28 of the revised Guidance under s182 of the Licensing Act 2003 provides premises that have been used for the criminal activity of the sale or storage of smuggled tobacco 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 crime, it is expected that revocation of the premises licence should be seriously considered, even in the first instance.

The Sub-Committee were satisfied that criminal activity had taken place at the premises and that the prevention of crime and disorder licensing objective was being undermined through the premises being used to further crimes. Further they were satisfied that the activity did not promote the public safety licensing objective.

Based upon the evidence presented and having regard to the application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy, the Sub-Committee had on the balance of probabilities, found that in order to promote the prevention of crime and disorder and public safety licensing objectives the premises licence of Transilvania Shop t/a The Romanian Shop should be revoked in accordance with Section 52 of the Licensing Act 2003.

This action was considered appropriate and proportionate action for the promotion of the crime and disorder and public safety licensing objectives.

Written notice of the determination would be given to the holder of the licence, the applicant, and any other person who made relevant representations.

An appeal may be made against the decision by the applicant, the holder of the Premises Licence or any other person who made a relevant representation to the application, within 21 days from the day on which notice of the decision was given.