

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

Minutes - 16 June 2021

## Attendance

### Members of the Statutory Licensing Sub-Committee

Cllr Phil Page (Chair)  
Cllr Keith Inston  
Cllr Rita Potter

### Premises Licence Holder

Mr Kabul Singh

### Review Applicant

Greg Bickerdike

Licensing Authority

### Responsible Authorities

Aimee Taylor  
Michelle Smith

West Midlands Police  
Public Health

### Officers

Anita Chonk  
Sarah Hardwick  
Donna Cope  
Jas Kaur  
Chris Howell

Senior Licensing & Compliance Officer  
Senior Solicitor  
Democratic Services Officer  
Democratic Services Manager (host)  
Commercial Regulation Manager (observing)

### Members of the Statutory Licensing Sub-Committee

Cllr Rashpal Kaur (observing)  
Cllr Wendy Dalton (observing)

*Item No.*    *Title*

**1        Apologies for absence**

Apologies for absence were received from Dianne Slack, Trading Standards, and Sarah Gee, Environmental Health.

**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 Momies Supermarket, 363 Dudley Road, Wolverhampton, WV2 3JR**

An application for a Review of a Premises Licence in respect of Momies Supermarket, 363 Dudley Road, Wolverhampton, WV2 3JR had been received from the City of Wolverhampton Licensing Authority as Responsible Authority

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Anita Chonk, Senior Licensing and Compliance Officer provided an outline of the application. Greg Bickerdike, Licensing Manager, applicant for review, confirmed that the summary was accurate.

The Chair invited the Licensing Authority to present their application. Greg Bickerdike, Licensing Manager, 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. No questions were asked.

The Chair invited the Premises Licence Holder to make representations.

Mr Kabul Singh, Premises Licence Holder and Designated Premises Supervisor did so. He stated that all matters relating to breaches of licence conditions had now been rectified and that he had not complied with conditions of licence previously due to ill health.

The Chair afforded all parties present the opportunity to question Mr Singh in relation to his submission. In response to questions asked, Mr Singh stated the following:

1. He had not complied with the conditions of licence previously due to ill health.
2. He was sorry and all matters relating to breaches of licence conditions had now been rectified.
3. There had been no problems at the premises previously.
4. Only he and his son worked at the premises and his son had a licence also.
5. He was not familiar with the four licensing objectives.
6. He had not been aware of the licence condition regarding single can sales.

The Chair invited West Midlands Police to make representations. Aimee Taylor did so as per Appendix 4 of the report. She stated that the police authority supported the application of the Licensing Authority and recommended that the premises licence be revoked.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Miss Taylor responded to questions asked.

The Chair invited Public Health to make representations. Michelle Smith, Principal Public Health Specialist did so as per Appendix 7 of the report. She stated that Public Health were not satisfied that the Licensing Objectives were being upheld and they supported revocation of the licence.

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

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

Sarah Hardwick, Senior Solicitor, advised members that as Trading Standards and Environmental Health were not in attendance at the hearing consideration could only be given to the written evidence that had been submitted and appropriate limited weight attached.

West Midlands Police and the Premises Licence Holder made a final statement.

Councillor Page, Councillor Potter, Councillor Inston, 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 10.45 hours.

The Hearing reconvened at 11.57 hours.

Councillor Page, Councillor Potter, Councillor Inston, the Senior Solicitor and Democratic Services Officer re-joined the meeting.

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

Resolved

An application had been made by the City of Wolverhampton Licensing Authority as Responsible Authority on 20 April 2021 for a review of the Premises Licence in respect of Momies Supermarket, 363 Dudley Road, Wolverhampton WV2 3JR, on the grounds that actions of the premises undermined the Licensing Objectives.

Representations had been received from the West Midlands Police, Trading Standards, Environmental Health and Public Health as Responsible Authorities.

At the hearing to review the premises licence, members of the Statutory Licensing Sub-Committee considered all written evidence and listened carefully to all

representations made by persons who had spoken at the hearing. They considered all the evidence presented and found the following facts:

The Licensing Sub-Committee heard from Greg Bickerdike, Licensing Manager, applicant for review, that:

1. On 27 November 2020 the council had conducted a routine inspection of the premises and the premises were found to be in breach of licence conditions. The breaches related to:
  2. Closed Circuit Television (CCTV) not being recorded, nor kept for 31 days.
  3. No external cameras.
  4. No refusal logbook provided to authorised officer upon request.
  5. No incident logbook provided to authorised officer upon request.
  6. Single cans of alcohol available for purchase.
  7. No signage requesting customers to have regard for local residents.
  8. No records of training for staff members.
9. Despite attending a hearing with the Statutory Licensing Sub-Committee on 20/4/2011, where the condition that, "Signage to be displayed at the Premises stating 'No single sales of alcohol will be made'" was attached to the premises licence, there was no such signage in place.
10. On 27 November 2020, Kabul Singh, the premises licence holder (PLH) and designated premises supervisor (DPS), had been advised to remove single cans from sale. On returning to the premises later that same day the Licensing and Compliance Officer, from City of Wolverhampton Council, observed that Mr Singh had not complied with this request and single sales of alcohol were still displayed for purchase. Mr Singh then complied with this request and he was given a further 14 days to address the remaining breaches of conditions, as detailed in the trader's notice which appears at page 27 of the report pack.
11. On 15 December 2020, two officers from the council had conducted a follow-up visit. Their inspection found that no action had been taken to rectify the remaining breaches of licence conditions, as detailed on page 28 of the report.
12. On 22 December 2020, a joint inspection of the premises between the council and West Midlands Police had been conducted. Officers found the premises to be in breach of further licence conditions which included:
  13. Lack of prominently displayed signs regarding alcohol and tobacco sales.
  14. CCTV not maintained to the accepted standard of a West Midlands Police Crime Reduction Officer.
  15. Emergency lighting not being checked weekly.
  16. No notice advising of a 'Challenge 21' policy.
17. The 14 day period allowed to rectify the remaining breaches of licence conditions, as detailed on page 28 of the report, had not expired but no action had been taken.
18. At page 33 of the report Mr Singh admitted that CCTV had not been working at the premises for approximately two years.
19. On 11 February 2021, a follow up visit was conducted by the council and West Midlands Police to identify whether the breaches of licence conditions had been rectified. Their inspection found that no action had been taken to rectify the breaches of licence conditions. A new trader's notice was issued.

20. There were conditions on the licence which were no longer considered relevant nor reasonable and were not in line with the council's statement of licensing policy. It was recommended that the Statutory Licensing Sub-Committee considered the removal of these conditions and that the condition relating to Challenge 21 be replaced with Challenge 25.
21. There have been multiple breaches of licence conditions over several years and the licence holder has continually ignored instructions given by the council and West Midlands Police.
22. Given multiple breaches and the Premises Licence Holder's failure to fulfil his obligations, the applicant would request suspension of the premises licence, for a period of up to three months. A suspension of the licence would encourage the Premises Licence Holder to rectify the breaches of licence, train staff and obtain professional support.

The Licensing Sub-Committee heard from Mr Kabul Singh, Premises Licence Holder and Designated Premises Supervisor that:

1. He had now rectified all matters relating to breaches of licence conditions.
2. It was accepted there had been problems previously.
3. He had not complied with conditions of licence previously due to ill health, although no evidence of ill health was provided at the hearing.
4. He was not familiar with the four licensing objectives.
5. He seemed unaware of the condition of licence relating to no sale of single cans on the premises.

The Licensing Sub-Committee heard from West Midlands Police that:

1. The police authority supported the application of the Licensing Authority.
2. Visits had been made to the premises on 22 December 2020 and 11 February 2021. On both occasions a number of breaches of licence conditions were identified.
3. During visits to the premises officers from West Midlands Police had not witnessed any issues with language or any indication that he was suffering from ill health.
4. Mr Singh had shown a total disregard for all Licensing Objectives and this called into question his capability as a Premises Licence Holder. He did not take breaches of conditions seriously.
5. In the circumstances and having heard evidence given by Mr Singh, revocation of the premises licence was recommended.

Trading Standards and Environmental Health had not been in attendance at the hearing and so parties were not given the opportunity to question their evidence. Therefore, appropriate, limited weight had been given to the written evidence submitted as summarised below. Both Trading Standards and Environmental Health supported the application made by the Licensing Authority

Written submissions of Trading Standards:

1. On 24 June 2021 officers from Trading Standards, Environmental Health and West Midlands Police had visited the premises and discovered illegal tobacco

products on site that were subsequently seized. A trader's notice was issued to Kabul Singh under the Licensing Act 2003 and Consumer Protection Act 2015.

2. Further problems were discovered at the premises on 24 June to include there being no licence summary on display, the Premises Licence Holder being unable to produce a copy of the premises and his personal licence, there being no refusals book, no CCTV, no warnings on display regarding alcohol, tobacco and age related sales.
3. On 8 July 2019 a further visit was made to the premises with a tobacco dog but nothing illicit was found.
4. The premises licence holder and management had failed to uphold the four licensing objectives.

Written submissions of Environmental Health:

1. They supported the application made by the Licensing Authority
2. In June 2021 officers from Environmental Health accompanied Trading Standards on a visit to the premises and discovered illegal tobacco products on site that were subsequently seized.
3. The premises licence holder and management had failed to uphold the four licensing objectives.

The Licensing Sub-Committee heard from Public Health that:

1. They supported the application made by the Licensing Authority
2. It was expected that any business licensed to sell alcohol would act responsibly at all times and promote the key objectives of the Licensing Act 2003.
3. There had been several breaches of the licensing conditions reported
4. Public Health was not reassured that the business was operating in adherence to the Licensing Act.
5. The Premises Licence Holder was not clear about the requirements for no single sale of cans.
6. They were not satisfied with previous behaviour of the Premises Licence Holder or with what he had said and therefore were not confident that he was promoting the Licensing Objectives.
7. Suffering from ill health did not allow the Premises Licence Holder to breach conditions of licence.

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

The Sub-Committee were satisfied that a significant number of licence conditions had been breached and that the four licensing objectives, outlined in the LA 2003 had been undermined.

If the Premises Licence Holder had been suffering from ill health he should have arranged for the premises licence to be transferred to someone else.

There had been a flagrant disregard for the law.

The Sub-Committee had 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 Sub-Committee had on the balance of probabilities, found that in order to promote the licensing objectives the premises licence of Momies Supermarket should be revoked in accordance with s52 LA 2003.

This action was considered appropriate and proportionate action for the promotion of the four licensing objectives.

It was deemed inappropriate to modify conditions and suspend the licence as clearly the Premises Licence Holder appeared not able to comply with conditions of licence and the Sub-Committee did not believe that suspension for a limited period would assist in mending the behaviour already witnessed.

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 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.