

Attendance

Licensing Sub-Committee Members

Cllr Alan Bolshaw (Chair)
Cllr Wendy Thompson
Cllr Rita Potter

Applicants:

Agenda Item 3

Paul Dosanjh
Dianne Slack

Service Lead, Trading Standards
District Officer, Trading Standards

Agenda Item 5

Horace McCalla

Premises Licence Holder (*Agenda Item 3*)

Mohammadreza Khodaei
Hamidreza Khodaei

Premises Manager
Premises Owner

Responsible Authorities

Elaine Moreton
Sgt Steph Reynolds
Parpinder Singh

Section Lead, Licensing
West Midlands Police
Senior Public Health Specialist, Public Health

Employees:

Jonathan Lloyd
David Abel
Donna Cope
Michelle James
Timothy Omodeni
Debra Craner
George Burrell
Amy Baker

Senior Licensing Officer
Solicitor
Democratic Services Officer
Licensing Policy Manager (observing)
Licensing Officer (observing)
Environmental Health (observing)
Licensing Apprentice (observing)
Health Improvement Officer (observing)

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 a Review of a Premises Licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN

An application for a Review of a Premises Licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN, had been received from Trading Standards.

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

Jonathan Lloyd, Senior Licensing Officer, provided an outline of the application. Paul Dosanjh, Service Lead, Trading Standards (applicant), confirmed that the summary was accurate.

David Abel, Solicitor for the City of Wolverhampton Council, advised the Chair that the Premises Licence Holder, Mr Tangarasa Yogarasa was not present at the Hearing. Donna Cope, Democratic Services Officer, confirmed that numerous attempts had been made to contact the Premises Licence Holder but all attempts were unsuccessful.

In response to this, Mr Hamidreza Khodaei, Premises Owner, stated that Mr Yogarasa had previously been the premises' supervisor and had left approximately 5 months ago. Mr Hamidreza Khodaei stated that he too had been unable to contact him.

As Mr Yogarasa,, Premises Licence Holder, could not be contacted, the Sub-Committee agreed to consider the application in his absence.

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 the following responses to questions asked:

- The trading of illegal tobacco was serious organised crime;
- The illegal trading was harmful to legitimate businesses and tax payers;
- The illegal tobacco products were not safe for consumers;
- Evidence gathered by Trading Standards strongly suggested the illegal products found on the premises were not for personal use.

The Chair invited Mr Hamidreza Khodaei, Premises Owner, and Mr Mohammadreza Khodaei, Premises Manager, to make representations. Mr Hamidreza Khodaei and Mr Mohammadreza Khodaei did so.

Mr Mohammadreza Khodaei, Premises Manager, explained that he had engaged in illegal tobacco trading without the knowledge of Mr Hamidreza Khodaei, Premises Owner. He stated that he was young, stressed and inexperienced in this business area. He explained that demand for illegal tobacco was high and due to financial problems, he felt he had no choice. He acknowledged he had made a mistake and was sorry. He also claimed that some of the goods seized, were not his.

Mr Hamidreza Khodaei, Premises Owner, confirmed that he was unaware of the illegal activities going on at the premises.

The Chair afforded all parties present the opportunity to question the Premises Owner and Premises Manager in relation to their submission. Mr Hamidreza Khodaei, Premises Owner, and Mr Mohammadreza Khodaei, Premises Manager, 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 West Midlands Police to make representations. Sgt Steph Reynolds did so as per Appendix 4 of the report.

The Chair invited all parties present to question West Midlands Police in relation to its submission. Sgt Steph Reynolds 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.

Mr Hamidreza Khodaei, Premises Owner, and Mr Mohammadreza Khodaei, Premises Manager and Paul Dosanjh, Trading Standards, made closing statements.

All interested 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.

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:

The Licensing Sub-Committee listened very carefully to the representations made by those attending the hearing and carefully considered all of the paperwork placed before them.

The Sub-Committee were concerned to hear that the DPS had been absent from the premises for over 5 months and that the Owner and Manager, who attended the hearing, had admitted criminal activity. They told the Sub-Committee that they were inexperienced and had not seen the Premises Licence. They admitted selling dangerous and counterfeit tobacco products and accepted that this undermined the licensing objectives of the Prevention of Crime and Disorder and of Public Safety.

The Sub-Committee noted the section 182 Statutory Guidance at paragraph 11.27 which states “there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously.” This included, “for the sale or storage of smuggled tobacco or alcohol.”

The Panel felt that the Guidance specifically applied to these circumstances and therefore decided to revoke the Premises Licence. The Right of Appeal to the Magistrates Court within 21 days of the decision notice being received was stated.

The Sub-Committee adjourned at 12.25 hours.

The Hearing reconvened at 13:40 hours.

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 items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

5 **Licensing Act 2003 – Application for a Personal Licence in respect of Mr Horace Gilmore McCalla.**

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

Jonathan Lloyd, Senior Licensing Officer, outlined the report regarding an application for a Personal Licence, which had been circulated to all parties in advance of the meeting.

The Applicant confirmed that the information contained within the report was accurate.

The Chair invited the Applicant to present his application.

The Applicant discussed his previous employment and explained how his physical problems had affected his ability to carry out physical work. He acknowledged he had done stupid things when he was younger and stated he was now a changed man with a family.

The Chair afforded all parties present the opportunity to question the Applicant in relation to his submission.

In response to questions from the Sub-Committee and West Midlands Police, the Applicant elaborated further on his personal circumstances and discussed the previous situation.

He stated he had grown up and now had responsibilities as a father. He explained that he wanted to use his Personal Licence, if granted, to organise community events which would bring people together and keep youths off the streets.

The Chair invited West Midlands Police to present their application. Sgt Steph Reynolds did so as per appendix 5 of the report.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to her submission. Sgt Steph Reynolds provided responses to questions asked.

The Police and Applicant were afforded the opportunity to make a closing statement.

Sgt Steph Reynolds and the Applicant did so.

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

Resolved:

The Licensing Sub-Committee listened carefully to all the representations made by those in attendance and carefully considered all the paperwork before them and their decision was to grant the application.

The Right of Appeal to all parties to the Local Magistrates Court within 21 days of receiving written notification of the Committees Decision, was stated.