

LICENSING SUB COMMITTEE, 21ST APRIL 2021

PRESENT: Councillors Sutherland (Chair)
Councillors Clarke and Pillai (substitute for Councillor Holden).

45 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Holden.

(The meeting closed at 16.50 hours).

46 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE: 7 DAYS MINI MARKET, 226 PELLON LANE, HALIFAX HX1 5RU

The Assistant Director, Neighbourhoods submitted a written report seeking consideration of an application for the review of a Premises Licence under the Licensing Act 2003, where representations had been received from West Yorkshire Police and West Yorkshire Trading Standards.

The Licensing Sub Committee considered the report presented and representations made relating to:

- Prevention of Crime and Disorder;
- Protection of Children from harm; and
- Public Safety

and had due regard to the provisions of the Licensing Act 2003, the statutory guidance issued under section 182 of the Act, the Council's Statement of Licensing Policy, and the relevant provisions of the Human Rights Act.

RESOLVED that the premises licence VEPREM0110 for 7 Days Mini Market, 226 Pellon Lane, Halifax HX1 5RU be revoked for the following reasons:

- Interested parties have put forward evidence that the following three licensing objectives were not met;
- Prevention of Crime and Disorder
- Protection of Children from harm
- Public Safety
- Evidence had been heard regarding the lack of supervision of staff;
- On Monday 14th December 2020 an Environmental Health Officer visited the premises and purchased counterfeit cigarettes whose normal retail price for the brand displayed was over £10 for £5. At a subsequent visit on Wednesday 23rd December 2020 with police in attendance the premises were searched, and a quantity of counterfeit and smuggled cigarettes were found to be secreted in a concealed locked enclosure;

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- The reasons for the review arose out of serious concerns by West Yorkshire Police that the premises were being used for criminal activity. This was founded on the facts of the visits on Monday 14th December 2020 and Wednesday 23rd December 2020;
- The factual evidence was not challenged by the Premises Licence Holder's representative;
- The Premises License Holders representative said the premises were taken over by the Licence Holder in 2018, since which there had been no issue in the sale of tobacco or alcohol;
- The Premises License Holders representative referred to representations from staff and the community in support of the credibility of the running of the business;
- Members of the Licensing Sub Committee heard that following an earlier test purchase there had been a joint visit with West Yorkshire Police and Trading Standards on Wednesday 23rd December 2020 when a substantial amount of counterfeit tobacco was found;
- The license holder had failed to provide a credible account of how counterfeit cigarettes were sold from or illegal tobacco items concealed at the licensed premises. It was considered that the sophisticated manner of the concealment of the counterfeit cigarettes would afford a material prospect of their presence being within the knowledge of the licensee;
- Regard was had to the evidence of Regulatory Compliance Officer Jason Lee Bethell from West Yorkshire Trading Standards that the sale of counterfeit tobacco was serious organised criminality;
- Members of the Licensing Sub Committee had regard to and gave considerable weight to the statutory guidance published under section 182 of the Licensing Act that certain criminal activity that may arise at licensed premises should be treated particularly seriously, this included the sale and storage of counterfeit tobacco. Paragraph 11.28 of the Licensing Guidance stated that "where the Licensing Authority determined that the crime and prevention objective was being undermined through the use of the premises to further crimes, it was expected the revocation of the licence, even in the first instance should be seriously considered.";
- The Members of the Sub Committee felt that if the license remained in force, this would not meet the following licensing objectives;
 - prevention of crime and disorder
 - protection of children from harm
 - public safety

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Therefore, the Sub Committee decided to revoke the licence.

(All parties were advised that there was a right of appeal against the decision to the Magistrates Court within 21 days of the date of the decision).