

**Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Monday, 30 July 2014**

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Review of Premises Licence – Best Deli, 381 Lincoln Road
3.1 Application Reference	069586
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Davidson
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Trading Standards
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Review of existing Premises Licences.</p> <p><u>Summary of Review Application</u></p> <p>In accordance with section 51 of the Licensing Act 2003, following the submission of an application to review the premises licence from Trading Standards, a Responsible Authority, the Licensing Authority was required to hold a hearing.</p> <p>The application to review, served by Trading Standards, was received on 11 June 2014.</p> <p>A representation in support of the review had been received from Cambridgeshire Constabulary.</p> <p>A summary of the issues raised within the representations included a seizure by Trading Standards to clamp down on the illicit tobacco and alcohol trade.</p>
3.6 Licensing Objective(s) under which representations were made	1. Prevention of Crime and Disorder
3.7 Parties/Representatives and witnesses present	<p><u>Applicant / Responsible Authority</u></p> <p>Karen Woods, who presented the case on behalf of Trading Standards.</p> <p><u>Responsible Authorities</u></p>

	<p>PCSO Nic Petruzzello and Sergeant Hayley Richardson, who were present on behalf of Cambridgeshire Constabulary.</p> <p><u>Licensee / Representative</u></p> <p>Mr Mansor Azher, the Licence Holder. The Licensee did not have a representative.</p>
<p>3.8 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant / Responsible Authority – Trading Standards</u></p> <p>Consideration was given to the application submitted by Trading Standards.</p> <p><u>Responsible Authority – Cambridgeshire Constabulary</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Cambridgeshire Constabulary.</p>
<p>3.9 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the review application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p>
<p>3.10 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><u>Applicant / Responsible Authority</u></p> <p>Karen Woods addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were are follows:</p> <ul style="list-style-type: none"> • An investigation regarding illicit sales of tobacco and alcohol at the premise in question had resulted in a formal caution. • On 1 October 2013 an officer in plain clothes was offered foreign labelled brand cigarettes, which could be ‘brought to them’. • On 5 November 2013 one female and one male sold a packet of foreign label cigarettes, which were stored in a box behind a shelf of biscuits and sweets. • On 15 November 2013 ten packets of cigarettes were seized after being found hidden on the premises. The Licensee claimed that the cigarettes belonged to a female employee and that they were being stored at the premises as she did not have room for them in her flat. He stated that he had no knowledge of the content of the box the cigarettes were found in. • The cigarettes were all foreign labelled, without the required health labelling and were being sold for approximately half the standard retail price. • The matter before the Sub-Committee was a separate issue to any criminal proceedings regarding the sale of the cigarettes. <p>In response to questions from the Sub-Committee the Licensee clarified that:</p> <ul style="list-style-type: none"> • He employed two females, but had no male employees. The male in question on 5 November 2013 may have been the boyfriend of one of his employees. • He was unaware that illicit cigarettes were being sold at the premises, though he knew that his employees smoked them. • He did not think there was a problem with keeping the cigarettes in

the storage room, as they were not to be sold.

Responsible Authority – Cambridgeshire Constabulary

PCSO Nic Petruzzello addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee, included:

- The police fully supported the application for a review of the premise licence by Trading Standards.
- Their investigation had revealed a very serious breach of the Licensing Act 2003.
- The illicit sale of tobacco caused detriment to the community and the customers.
- Mr Azher had demonstrated that he was not a proper person to be responsible for the premises and the police would support a revocation of the premises licence.

Licensee

In response to questions from the Sub-Committee Karen Woods clarified that the investigation of the premises had been intelligence led.

Mr Azher, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee, included:

- He had not accepted the caution, which had resulted from the investigation, as he had not been present when the cigarettes were sold and had no knowledge of any illicit actions.
- He had taken over the business one year ago. This had resulted in some animosity with the previous workers, who had said they would shut down his business by making unfounded complaints.

Summing Up

All parties were given the opportunity to summarise their submissions.

Applicant / Responsible Authority

Karen Woods concluded that illicit cigarettes had been sold and found on the premises, which was a criminal offence. The Licensee had explained to him that a accepting a caution would be admitting responsibility for the offence and so had not accepted the caution. She requested that the Committee revoke the premises licence or, if it felt unable to do so, add the conditions set out in the application.

4. Decision

The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-

The Sub-Committee considered the various options available, these being:

- a) to modify the conditions of the premises licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor from the licence;
- d) to suspend the licence for a period not exceeding three months; or
- e) to revoke the licence.

The decision of the Licensing Act 2003 Sub-Committee was to revoke the licence for the premises, known as Best Deli, 381 Lincoln Road.

The reasons for the Sub-Committees decision included:

It was clear on the information supplied to them that illegal cigarettes were sold on the premises. This had a detrimental impact on the community and was harmful to customers.

The Sub-Committee believed that the additional conditions proposed by Trading Standards were unworkable and insufficient to prevent crime and disorder.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman
1:30pm – 2:45pm