

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

REVIEW OF THE PREMISES LICENCE – LONDON ROAD LATE NIGHT STORE, 64 LONDON ROAD, PETERBOROUGH, PE2 9BA

23 JANUARY 2018

This Decision Notice refers to the review of the premises licence London Road Late Night Store, 64 London Road, Peterborough, PE2 9BA.

We have considered the representations made to us today and in writing in regards to the review by:

- Trading Standards;
- Cambridgeshire Constabulary; and
- Twenty one letters in support of the premises and licence holder.

The Sub-Committee considered the information put before it and took into account the following facts:

- On the 21st of August 2017 a seizure of 560 foreign labelled cigarettes was made by Cambridgeshire Constabulary from Mr Azad Mohammed that were found under the counter.
- On the 28th September 2017 a joint initiative by Trading Standards, HMRC and Cambridgeshire Police was carried out to clamp down on the illicit tobacco and alcohol trade.
- A seizure of 2200 cigarettes and 400g of hand rolling tobacco and 1200 litres of Polish beer was made. Mr Mohammed had 30 days to provide HM Revenue & Customs documentation to establish the duty liability of the alcohol and evidence of the alcohol and evidence of duty payment. This timescale had passed since the seizure and alcohol was therefore deemed as condemned as forfeit to the crown.

The Sub-Committee heard from the licence holder who denied any knowledge of the illicit items. He stated that he was not always in the shop and other persons were selling the items without his knowledge. He accepted that he was responsible for the business.

Two other persons, who made valid representations, spoke in support of the premises licence holder.

The Sub-Committee were reminded of the provisions within the Government Guidance issued under the Act, at paragraphs 11.27 and 11.28.

There are certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- *for the sale or storage of smuggled tobacco and alcohol*
..... it is expected that revocation of the licence - even in the first instance - should be seriously considered.

The Sub-Committee believed that criminal activity was associated with the premises and that this premises was not promoting the licence objective of crime prevention, therefore the Committee considered revocation in the first instance, in line with paragraph 11.28.

The Sub-Committee considered other options available but believed these would not promote the licensing objective of the Prevention of Crime and Disorder.

These options being:

- to modify the conditions of the licence;
- to remove the designated premises supervisor; and
- suspend the licence for a period not exceeding three months.

The Licensing Authority considers such sales of illicit tobacco and alcohol a serious breach of the promotion of the licensing objective of prevention of crime and disorder.

The original seizure of 21st August 2017 was further aggravated by a second seizure which took place on 28th September 2017. This second seizure was for more illicit goods than the first.

Such sales undermine legitimate shopkeepers, deprives the Her Majesty's Customs and Exercise of legitimate revenue and may pose a risk to the public.

The Sub-Committee therefore revoked the licence for the premises, known as London Road Late Night Store, 64 London Road, Peterborough, PE2 9BA.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 01223 37600. There is a fee to pay.

Councillor Ayres

Sub-Committee Chairman