

Gravesham Borough Council – Decisions taken by the Licensing Act 2003 Sub-Committee on Friday 24 January 2025

| Agenda Item No | Topic | Decision |
|----------------|-------|----------|
|----------------|-------|----------|



DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

REVIEW OF THE PREMISES LICENCE – INTERNATIONAL FOOD CENTRE, 41 LINCOLN ROAD, PETERBOROUGH

24 JANUARY 2025

This Decision Notice refers to the review of the premises licence for the International Food Centre, 41 Lincoln Road, Peterborough.

The Applicant to review the licence is Cambridgeshire Constabulary as a Responsible Authority, and the review related to the licensing objectives of Prevention of Crime and Disorder, and Public Safety.

The application to review can be found at pages 21 to 45 of the agenda pack.

The premises licence holder is Marius Maculevics who is also the designated premises supervisor.

The current licence can be found at pages 9 to 19 of the committee agenda pack. Representations have been received by Peterborough and Cambridgeshire Trading Standards as a Responsible Authority, page 43, and the review was also supported by Peterborough City Council's Safer Communities team, page 45 of the agenda pack.

The Sub-Committee has read additional papers not for publication, including a statement from PC Rice.

The Sub-Committee have heard in person from:

- The PC Hawkins
- Kirsty Draycott (Trading Standards)

The licence holder did not attend and was not represented.

The facts:

- On 11th November 2024, following intelligence relating to significant criminal activity associated with the premises, a search warrant was executed by the police for the store and flat above
- £14, 886 in cash was found with various amounts of foreign currency
- 683,400 cigarettes, 37.kg hand rolling tobacco, and 35 cigars were found
- A quantity of Sildenafil tablets was also found
- On 29th November 2024, and on other occasions, a male was found to be working illegally

- Duty not paid on tobacco products in the region of £386,188.00
- CCTV was only kept for 7 days and not for 28 days; a condition of the licence
- Intelligence of underage sales

HMRC stated that the tobacco products are illegal as imported without payment of tax; and possibly some being counterfeit. According to Mark Chambers of HMRC, the quantity seized being a commercial quantity, with duty not paid of £386,188.00.

The foreign labelled cigarettes were a fire risk as they would most likely fail the 'ignition propensity test', not having ridges in the paper which meant the cigarettes would continue to burn if not actively smoked. Health warnings on packets not in English. It was a legal requirement that health warnings were in English.

The Sildenafil tablets, being another name for Viagra, although not a controlled drug, could only be sold by a pharmacy. The store was not a licensed or registered pharmacy.

Some of the tobacco products and a quantity of Sildenafil were found on the premises, the remainder in the upstairs flat.

Trading Standards stated that the premises were associated with underage sales and sales of illicit tobacco.

The Peterborough City Council, Safer Communities team were concerned with public safety being at risk with the sale of illicit tobacco products and the sale of Sildenafil not under the supervision of a pharmacist.

The Sub-Committee was not convinced Mr. Maculevics had any authority in the operation of the business. Saade Jalal Jabar was the controlling influence behind the operation of the business.

He was listed as the sole director of the business – International Food Centre Peterborough Ltd. He was listed as an interested party on the lease of the property; his company held the Employers' Liability Insurance for the premises.

Mr Jabar was present on the premises on 29th November, and it was believed he lived above the store. Mr. Jabar was unable to apply for a premises licence as he had relevant convictions. In deliberations the Sub-Committee was referred to:

- The Government's Statutory Guidance
- The Licensing Authority's Statement of Licensing Policy
- The Licensing Act 2003

This committee can:

- Modify the conditions attached to the licence
- Exclude a licensable activity
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

The Statutory Government Guidance states at:

[11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective].

11.27 There is 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:

- Amongst other things, for the sale or storage of smuggled tobacco and alcohol

11.28 *[It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime].*

Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The Decision

The Sub-Committee attached considerable weight to the written and spoken statements of police officers in the application.

On the balance of probabilities, the Sub-Committee considered the premises was involved in significant criminal activity, as outlined above, and these activities were a threat to public safety.

The Sub-Committee noted the condition regarding CCTV in the premises was not being adhered to.

There was a significant amount of tobacco duty unpaid. Sales of such tobacco products not only deprive HMRC of tax, but also afforded an unfair trading advantage over legitimate shopkeepers.

It was clear that the premises licence holder does not take seriously the responsibilities that come with holding a premises licence.

The Sub-Committee do not believe that anything less than revocation was appropriate in this case.

Therefore, it was the Sub-Committee's decision to **REVOKE** the licence in its entirety.

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 376000.
There is a fee to pay.

Councillor Wiggin

Sub-Committee Chairman