

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Friday, 18 December 2015

RECORD OF DECISION

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 – International Shop, Fitzwilliam Street, Peterborough
3.1 Application Reference	MAU: 072295
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Martin Councillor Coles
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles , Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Cambridgeshire Constabulary
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Review of Premises Licence.</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 Cambridgeshire Constabulary, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>The application to review, served by Cambridgeshire Constabulary, was received on 27 October 2015.</p> <p>A representation in support of the review and recommendations had been received from the Licensing Authority. Additional representations in support of the review had also been received from Trading Standards.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • Illicit tobacco and cigarettes found hidden in the premises on two separate occasions within a short time period; • Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommended that revocation of the licence even in the first instance, should be seriously considered where reviews arose and the licensing authority determined, that the crime prevention objective was being undermined through the premises being used to

	<p>further crimes;</p> <ul style="list-style-type: none"> • Impact on Public Safety as the illicit cigarettes breached EU Standards which was an offence under UK regulations which required traders to supply safe goods; and • The distribution and sale of illicit goods was linked to serious and organised crime. <p>The Legal Officer also advised the Sub-Committee that Cambridgeshire Constabulary had permission to confirm the nature of the arrest, which had been originally redacted in the report in relation to a pending conviction for which the Licensee had been arrested for and was currently being detained.</p>
3.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder
3.7 Parties/Representatives and witnesses present	<p><u>Applicant / Responsible Authority</u></p> <p>PC Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p> <p><u>Responsible Authorities</u></p> <p>Trading Standards, who was present on behalf of the Licensing Authority.</p> <p><u>Licensee / Representative</u></p> <p>The Licensee was not in attendance and was no representative in attendance on behalf of the Licensee.</p>
3.8 Oral representations	<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>PC Grahame Robinson, Cambridgeshire Constabulary addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • The License holder was arrested along with two other employees of the premises for the possession of Class A Drugs and was being held on remand; • The License holder was due to appear in court on 4 April 2016, with a subsequent trial to follow; • The named applicants noted within the report had shown a history of the licence applications for the premises; • There had been limited information in respect of the Licensee's arrest within the report, which was redacted, however, confirmation had been given by Cambridgeshire Constabulary to reveal the nature of arrest; • A number of concerns in regards to the management of premises in order to uphold the licence objectives had previously been raised with the Licensing team; and • Concerns had been raised previously by Cambridgeshire

	<p>Constabulary over the application made by the current licence holder.</p> <p><u>Responsible Authority – Licensing Authority</u></p> <p>The Trading Standards Officer addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> • The two hives, which stored the illicit foreign tobacco and cigarettes were located behind tiles in the premises; • Experience had pointed the team where to look for the hives; • A price list had also been found in relation to the illicit items, which was a crucial part of evidence; • The illicit items seized had been conducted over a two day period; • A bin bag was also found under till at premises, which contained the illicit goods; and • Sections of 179 and 180 of the licencing act had been used to conduct the second investigation at the premises. <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions and there were no further comments made by any party.</p>
<p>3.9 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant / Responsible Authority – Cambridgeshire Police</u></p> <p>Consideration was given to the application submitted by Cambridgeshire Police and attached to the Sub-Committee report.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the Licensing Authority, Trading Standards.</p>
<p>3.10 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>4. Decision</p>	<p>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:-</p> <p>The Sub-Committee considered the representations made and in writing from:</p> <ul style="list-style-type: none"> • Cambridgeshire Police; • Trading Standards; and • The premises licence holder was not in attendance and was not represented. <p>In its deliberations, the Sub Committee gave consideration to the facts submitted, those being:</p>

- The premises was entered under warrant on 13th October 2015. Some 15,040 cigarettes were found hidden in two places along with 3.9kg of hand rolling tobacco;
- The tobacco products were foreign imported products that did not comply with UK labelling regulations and HM Revenue & Customs duty had not been paid;
- On 21st October, the premises were once again searched by police officers. A further 1,560 cigarettes and 350g hand rolling tobacco was found. These products also proved to be illicit; and
- The premises licence holder is held in custody for serious drug related offences and is expected to be put on trial on 4th April 2016.

The Sub Committee considered such steps as appropriate to promote the licensing objectives. The steps were:

- (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 Sub-Committee's decision was to revoke the premises licence in its entirety for the premises, known as International Shop – 9 Fitzwilliam Street, Peterborough, PE1 2RU.

The Sub-Committee considered that given the circumstances surrounding the review and the seriousness of the allegations associated with the premises, and the quantity of tobacco seized in two visits, just days apart, led the Committee to believe that no other available remedy would suffice in order to uphold the licensing objective of the prevention of crime and disorder other than revocation.

Chairman
Start 1:30 – Finish 2:00 pm