

Public Document Pack



Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on 18 October 2017

RECORD OF PROCEEDINGS

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as Chairman for this hearing.
2. Apologies for Absence	Apologies for absence were received from Councillor Ayres, Councillor Allen was in attendance as a substitute.
3. Declarations of Interest	There were no declarations of interest.
4. Application	Review of Premises Licence - Europe Plus, 77 Mayors Walk, PE3 6EX.
4.1 Application Reference	075842
4.2 Sub-Committee Members	Councillor Hiller (Chairman) Councillor Allen Councillor Saltmarsh
4.3 Officers	Simon Andrews, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
4.4 Applicant	Trading Standards – Karen Woods
4.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a premises licence review.</p> <p><u>Summary of Premises Licence Review</u></p> <p>To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for Europe Plus, 77 Mayors Walk, PE3 6EX.</p> <p>A summary of the issues raised by the applicant included:</p> <ul style="list-style-type: none"> • On the 12th of June 2017 a Trading Standards test purchase proved positive in the sale of Lithuanian branded tobacco. • On the 28th of June 2017 a joint enforcement visit between Trading Standards and HM Revenue and Customs resulted in a seizure of (non-duty paid) 225 packets of cigarettes and two pouches of hand rolling tobacco.
4.6 Licensing Objective(s) under which representations were made	Prevention of Crime and Disorder
4.7 Parties/Representatives and witnesses present	<u>The Licensing Authority</u>

	<p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>The Regulatory Officer, who presented the case on behalf of Trading Standards.</p>
4.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
4.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in her address included:</p> <ul style="list-style-type: none"> ● Number of items of tobacco were seized during a test purchasing exercise. ● There were nine offences committed in regards to the position of the Lithuanian tobacco that could not be sold in the United Kingdom. ● A propensity test was undertaken on the seized tobacco and failed which posed a significant risk of causing house fires. ● Criminal activity in relation to the sale of illicit tobacco had taken place at the premises.
4.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence Review, attached to the Sub-Committee report.</p> <p><u>Responsible Authority</u></p> <p>Consideration was given to the representation made by Cambridgeshire Constabulary in support of the Premises Licence Review.</p>
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>
5. Decision	<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 today and in writing from:</p> <ul style="list-style-type: none"> ● The Trading Standards Officer in person. ● The Cambridge Constabulary, who supported the review. ● The licensee was not present and was not represented in his absence. <p>The Sub-Committee considered:</p> <ul style="list-style-type: none"> ● On the 12th of June 2017 a Trading Standards test purchase proved positive in the sale of illicit Lithuanian branded tobacco.

- On the 28th of June 2017 a joint enforcement visit between Trading Standards and HM Revenue and Customs resulted in a seizure of (non-duty paid) 225 packets of cigarettes and two pouches of hand rolling tobacco.

The Sub-Committee was reminded of the provisions within the Government Guidance issued under the Act, at paragraphs 11.24, 11.26, 11.27 and 11.28.

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 of the Guidance.

Members of the Sub Committee, were concerned with the serious health and other risks associated with illegal importation and unregulated sales of such tobacco products. Such sales deprive Her Majesty's Revenue Customs, allow an unfair business advantage and pose a risk to unsuspecting members of the public.

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

It was the Committee's decision to **REVOKE** the Premises Licence for the premises, known as Europe Plus, and situated at 77 Mayors Walk, Peterborough, PE3 6EX, in its entirety.

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

Chairman
Start 1:30pm – 2:00pm End.

This page is intentionally left blank