

LICENSING SUB-COMMITTEE

Thursday 6th October, 2016 at 10.30am

In a Conference Room at the Council House, Walsall

Present:

Councillor Rochelle (Chairman)
Councillor Sarohi
Councillor Worrall

In attendance:

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| Hazel Powell | - Senior Licensing Officer- Walsall MBC |
| Paul Green | - Legal Services – Walsall MBC |
| Brian Jones | - Trading Standards – Walsall MBC |
| Gemma Fisher | - Trading Standards – Walsall MBC |
| PC Neil Gardner | - West Midlands Police |
| Svetlana Juskanova | - Applicant |

Appointment of Chairman

Resolved

That Councillor Rochelle be appointed Chairman of the Sub-Committee for this meeting only.

Councillor Rochelle in the chair

Welcome

The Chairman extended a welcome to all persons present at the Licensing Sub-Committee which had been established under the Licensing Act, 2003.

Apology

An apology for non-attendance was submitted on behalf of Councillor Sears.

Declarations of Interest

There were no declarations of interest.

1294/16

Licensing Hearing

Application for a Premises Licence under Section 17 of the Licensing Act 2003 – Bloxwich Mini Market, 10 Queens Parade, Bloxwich, Walsall, WS3 2EX

A report of the Head of Economy and Environment was submitted:-

(See annexed)

At this point in the meeting, the applicant Miss Juskanova was not in attendance. The Chairman agreed to adjourn the meeting for a maximum of thirty minutes to enable Miss Juskanova to attend.

Miss Juskanova arrived at 10.50 a.m. and the proceedings commenced with Councillor Rochelle explaining the purpose of the meeting and requesting the Senior Licensing Officer (Miss Powell) to explain the application.

The legal representative (Mr Green) asked Miss Juskanova if she understood what had been explained to her. Miss Juskanova stated in broken English that she did. She apologised that her English was poor.

The Senior Licensing Officer (Miss Powell) enlarged upon the report for the benefit of the Sub-Licensing Committee and indicated that the application for a premises licence in respect of Bloxwich Mini Market, 10 Queens Parade, Bloxwich, Walsall, WS3 2EX had been made under Section 17 of the Licensing Act, 2003. The application had been made by Svetlana Juskanova and submitted on her behalf by Licensed Trade Legal Services Ltd. The application had been received by the Licensing Authority on 11th August, 2016 (Appendix 1 refers) and could be granted as requested, granted with additional/modified conditions or rejected. Miss Powell drew the Licensing Sub-Committee's attention to paragraph 3.3 of the report which summarised the proposed activities and times including the supply of alcohol off the premises from 7.00 a.m. to 11.00 p.m. Monday to Sunday. The premises opening times were 7.00 a.m. to 11.00 p.m. Monday to Sunday.

A street map showing the location of the premises was given as Appendix 2 to the report and Miss Powell confirmed that the application had been submitted to the statutory "responsible authorities" and had been advertised by way of a blue site notice displayed at the premises and a licensing notice had been placed in a newspaper circulating in the area to comply with the requirements of the Licensing Act. On 7th September 2016 written representation had been received from West Midlands Police (Appendix 3 refers) and also on the 7th September 2016 written representation had been received from Walsall Council's Chief Inspector of Weights and Measures (Appendix 4 refers). No other representations were received from responsible authorities or other persons. Finally, Miss Powell drew the Licensing Sub-Committee's attention to paragraph 4.2 of the report which contained the legal position.

None of the parties present had any questions for Miss Powell on the report.

The Trading Standards and Licensing Officer (Mr Jones) reported that in August, 2016 Trading Standards had received a detailed complaint alleging that sales of illicit cigarettes were being made from Bloxwich Mini Market, 10 Queens Parade, Bloxwich, Walsall.

On 2nd September 2016 two Trading Standards Officers had visited the mini-market in relation to the complaint. The Senior Trading Standards Officer had spoken to a Kran Mohammed who had said he was helping out in the shop and only working there that day. During the visit, 1880 illicit cigarettes and two packets of illicit hand rolling tobacco were found under the counter in the shop. No attempt had been made to hide the illegal cigarettes and tobacco but they were not in the official display case provided for such items.

Mr Mohammed had indicated that the owner of the premises was a Raza Mohammed. Trading Standards Officers had attempted to contact him regarding the illegal cigarettes and tobacco but without success.

On the 6th September, 2016 two Trading Standards Officers re-visited Bloxwich Mini Market hoping to speak to the owner of the store. On this occasion a Trading Standards Officer spoke to a man who gave his name as Ali Mohammed. Mr Mohammed said that he was only working in the shop for that day. The officers found a further 100 illicit cigarettes and three packets of hand rolling tobacco under the counter. Investigations were ongoing into these finds.

Mr Jones stated that if the premises were able to sell alcohol then the likelihood of further criminal activity would increase. In his view the application for a premises licence should be refused as the licensing objectives of protecting children from harm and preventing crime and disorder were clearly being undermined.

PC Gardner (West Midlands Police) concurred with the remarks of the Trading Standards and Licensing Officer and indicated that any licensed premises retained a large degree of responsibility within the local community. It should maintain a proactive approach to preventing the crime and disorder objective. He was concerned that the store was involved in the sale of illegal cigarettes and tobacco even before a premises licence had been granted and added that a lawful business with well trained staff would not allow illegal activity on the site.

Miss Juskanova was asked if she had any questions for Mr Jones or PC Gardner. When she could not answer, members expressed concern that she was not able to follow the debate and that, in the interests of natural justice, the hearing should be adjourned to another date to enable her to get legal advice or the support of an interpreter.

The meeting was adjourned for five minutes at 11.15 a.m. for legal advice to be taken. At 11.20 a.m. the meeting reconvened and Mr Green advised the Licensing Sub- Committee to defer consideration of

the application to another date so that Miss Juskanova could obtain the service of a solicitor or interpreter in order that natural justice could be seen to be done.

Members accepted the advice given and the meeting was adjourned to a date to be determined so that Miss Juskanova could obtain legal support or the use of an interpreter.

Resolved

That consideration of the application for a premises licence under Section 17 of the Licensing Act, 2003 in respect of Bloxwich Mini-Market, 10 Queens Parade, Bloxwich, Walsall WS3 2EX be deferred to a date to be agreed to enable the applicant, Svetlana Juskanova, to obtain the services of a legal adviser or interpreter so that a fair hearing can be carried out.

Termination of meeting

The meeting terminated at 11.25 a.m.

Chairman.....

Date.....