

Licensing Sub-Committee

At 1.20 pm on Friday 15th December, 2023

Held as a

Present:-

Shadow Members

Councillor Jennie Bone
Councillor Jonathan Ekins

Councillor Lee Wilkes

Officers

Also in attendance – Councillor

The Chair welcomed members and the viewing public to the meeting.

1 Apologies for absence

Resolved to note there were no apologies for absence.

2 Members' Declarations of Interest (if any)

Resolved to note that there were no declarations made.

3 Summary Review of Premises Licence

The meeting had been adjourned from 1.30pm, due to connection issues with MS Teams, and reconvened at 4pm.

The chair welcomed everyone to the meeting and apologised for the earlier connection problems.

The circulated report of the Assistant Director of Regulatory Services was received to review a recent decision relating to a premises licence for Quality Food 4 You trading as Braces News, 98-101 Montagu Street, Kettering.

On 29 November 2023 an interim steps hearing was held to consider a request from the Police to suspend a premises licence for the above property; at that hearing a decision was taken to suspend the premises licence. A full hearing was scheduled to take place, in person, on 21 December 2023.

On Wednesday 13 December 2023, Northamptonshire Police advised both the authority and the licensee that the information provided in the certificate was factually incorrect as the number of cigarettes seized was significantly less than that claimed in the certificate.

Subsequently a representation against the interim steps' decision had been received from the licensee.

The sub-committee was therefore now being asked to review its original decision following receipt of the new information.

Mrs Wilcox, Head of Environmental Health presented the report to the sub-committee and explained the expedited process and the criteria for bringing the original summary review to the sub-committee and the reasons for this further review and the interim steps that could be taken. She clarified that there had been an error in reporting the number of cigarettes that had been seized and that the true numbers were considerably less than originally reported.

The chair thanked Mrs Wilcox for her report. He asked the licence holder's representative to address the meeting.

Mr Craig, representing the licence holder, asked for the sub-committee to consider the updated information and the letter from Northamptonshire Police. The difference in the number of cigarettes actually confiscated and what was reported was huge and stated that the numbers involved would not have resulted in a request for a summary review. He asked that the sub-committee look favourably upon his clients circumstances and the figures and apply the rule of natural justice and fairness and lift the suspension to allow them to sell alcohol again.

The chair thanked Mr Craig for his representation and asked PC Bryan to address the sub-committee.

PC Bryan addressed the meeting and explained that when trading standards had seized the goods the numbers had been mistakenly over-estimated and had now been found to be considerably less. The Police had submitted the request for summary review in good faith and he confirmed that he would have not requested this expedited course of action with the numbers that they were not aware of, though action would still have been taken.

The chair thanked PC Bryan and asked his fellow councillors if they had any questions.

The following were raised:

- How often was the licence holder at the premises;
- Was the licence holder aware of the 'hide' and the contraband seized;
- Was the premises currently open to the public;

Mr Craig responded:

- The licence holder was not at the premises as frequently as she should have been, due to the serious ill-health of her mother who she was caring for. She was reliant on her staff to work in the shop.
- The licence holder said she was unaware of the hide and contraband;
- The premises was open but was not allowed to sell alcohol.

The sub-committee considered that whilst the information had been incorrectly reported there was still a mis-use of the premises that was taken seriously.

The chair adjourned the meeting to consider the new information.

The chair reconvened the meeting.

Resolved that the suspension of the licence be lifted until such time as the full hearing could take place on 21 December.

4 Close of meeting

The chair closed the meeting at 5.15pm.

The meeting closed at Time Not Specified