

## **Minutes of a Meeting of the Licensing Sub-Committee**

At 10am on Tuesday 22<sup>nd</sup> October 2024

Held in the Council Chamber, Swanspool House, Doddington Road, Wellingborough

### **Present:**

#### **Members**

Councillors Jennie Bone, Jonathan Ekins and Dorothy Maxwell

#### **Officers**

Rita Groves, Licensing Enforcement Officer

Philippa Bright, Licensing Officer

Louise Delavaloire, Legal Advisor

Maddy Homer, Legal Advisor

Jennifer Mason, Trading Standards (observing)

Louise Tyers, Senior Democratic Services Officer

### **1. Appointment of Chair**

**RESOLVED** that Councillor Jonathan Ekins be appointed Chair for this Sub-Committee.

### **2. Apologies for non-attendance**

There were no apologies for non-attendance.

### **3. Members' Declarations of Interest**

There were no declarations of interest.

### **4. Review of the Premises Licence at Euro Market, 1 Church Street, Wellingborough, NN8 4PA**

*The licence holder was present. He was accompanied by a translator via the telephone.*

The Licensing Enforcement Officer presented the report which requested the Sub-Committee to consider a review of the premises licence, under section 53A of the Licensing Act 2003, in relation to the premises known as Euro Market, 1 Church Street, Wellingborough.

A certificate and application to review the premises licence had been received from Northamptonshire Police on 24 September 2024. The application was for an expedited review under s53A of the Licensing Act 2003, which allowed a process for considering whether it was necessary to take action by way of interim steps, if those premises were deemed to be a cause for serious crime or disorder. The Police, within their application and certificate, considered that the premises concerned was associated with serious crime.

The request for interim steps was considered at a Sub-Committee hearing on 25 September 2024 and resulted in the premises licence being suspended until the full hearing today.

Statutory blue notices had been placed at the premises on 25 September 2024 but had been removed several times and replaced during the consultation period which ended on 10 October 2024. The premises had remained closed, with shutters down since Northamptonshire Police had submitted the Summary Review application on 24 September 2024.

Two representations had been received during the consultation period from Northants Fire Service and the Home Office Immigration Enforcement Team.

The Chair invited PC Leanne Laren, on behalf of Northamptonshire Police, to address the Sub-Committee in support of their application. PC Laren advised that on 16 September 2024, officers from Northamptonshire Police had attended the premises following information received from the Modern Slavery and Exploitation Helpline. In addition, there had been previous intelligence linked to the shop regarding the sale and storage of smuggled tobacco.

On conducting a search at the premises, officers located a large quantity of hand rolling tobacco and cigarettes that were being kept in a store room at the rear of the premises. A smaller quantity was discovered under the counter near to the till. All of the tobacco did not have the relevant UK tax paid markings and were not in the regulation packaging. The value of the tobacco and cigarettes, if sold at UK market prices, came to £56,500. There were 50,380 sticks (2519 packs) and 3.2 kilos (624 pouches) of tobacco.

In response to questions from the Sub-Committee, PC Laren confirmed that the premises had been visited at 1.30pm and the member of staff present was not aware that the Police would be attending. PC David Bryan confirmed that CCTV was available at the premises, but he did not believe that it would be relevant in this instance.

The Chair invited the licence holder Mr Dilshad Kadir, through his translator, to address the Sub-Committee in support of his licence. Mr Kadir advised that what had happened at the premises had been a complete surprise to him and he was not aware that the Police had attended as no one had told him. He had not visited the premises for several months before the incident and he had not visited Wellingborough since May 2024.

In response to questions from the Sub-Committee, Mr Kadir accepted that he was the licence holder but reiterated that he was not aware of what was going on at the premises. If he was aware that illicit cigarettes and tobacco were being sold, he would have reported them himself. He has tried to sell the lease to the premises to these people and he had intentions to sell the lease of the shop. It was not his responsibility as he was not aware. He confirmed that at the time of the incident, he was the leaseholder of the premises, but he was not told what was being sold. He confirmed that he was not receiving an income from the premises at the time as he was in the process of selling the lease. The card machine in the premises was in his son's name, but he was not receiving any monies. Mr Kadir confirmed that he did not hold any other businesses and he was unable to explain what the licencing objectives were. He did not know who was working in the premises on the day and the person

he sold the lease to had not told him that the Police had visited the premises. He advised that the person he sold the lease to was the person responsible for stocking the goods in the shop, which were generally Polish goods.

Mr Kadir's translator advised that he did not understand the questions around the four licensing objectives. Mrs Groves showed Mr Kadir a copy of the licence and advised that he would have undertaken a course. Mr Kadir advised that he had undertaken the course in 2019 in Birmingham. He confirmed that he did not understand what it meant to be the Designated Premises Supervisor (DPS).

All parties were given an opportunity to sum up their cases.

PC Bryan stated that he struggled to find Mr Kadir's representation believable. He had not visited the premises before the Police had visited and he had concentrated on the sale of the lease rather than his duties as the DPS. PC Bryan had visited the shop and the landlord had advised him that they had legally taken back the shop due to non-payment and therefore he could not sell the lease. PC Bryan's contact details had been left at the premises and there had been no contact until today. He would have been aware of what was happening as it was in the local press, and he had been notified by the Council to be here today. Mr Kadir was the licence holder and DPS and should have been aware of his responsibilities. There had been no transfer or surrender of the licence. The Police confirmed their request for the licence to be revoked.

**RESOLVED** that the premises licence of the premises known as Euro Market, 1 Church Street, Wellingborough be revoked.

#### Reasons for decision

In reaching its decision, the Sub-Committee took into consideration:

- Licensing Act 2003
- The s182 Statutory Guidance
- The Licensing Objectives
- The report from Rita Groves on behalf of the Council.
- Representations of Northamptonshire Police
- Representation of Mr Kadir
- Written representations received
- Responses to questions raised by the Sub-Committee to all parties

The Sub-Committee unanimously agreed that having regard to the papers, having heard the application for review and the representations of all parties that there were valid concerns in relation to the operation of the premises and compliance with the conditions of the premises licence.

The Sub-Committee considered that the sale of illicit tobacco is a serious criminal activity that undermines the licensing objective of the prevention of crime and disorder. The Sub-Committee do not seek to establish the criminal liability of any party in relation to the allegations posed but do seek to ensure the promotion of the licensing objectives at all times.

The Sub-Committee considered the statutory powers available to them.

### **Modify the conditions of the licence.**

The Sub-Committee concluded that there were no suitable modifications that could be put in place to prevent the sale of the sale of illicit tobacco.

### **Exclude a licensable activity from the scope of the licence**

The Sub-Committee considered the licensable activities of the premises licence. The only licensable activity is the sale of alcohol for consumption off the premises. The Sub-Committee concluded that to exclude the only licensable activity would equate to the licence being revoked.

### **Removal of the designated premises supervisor**

The Sub-Committee considered that the incidents at the premises result from poor management of the premises. Considering the management of the premises the Sub-Committee concluded that the poor management is a direct reflection of poor company policy and practice and lack of the same and removal of the designated supervisor would be an inadequate response.

### **Suspension of the licence for a period not exceeding three months**

The Sub-Committee considered that a temporary suspension of the licence would not be sufficient to ensure the future promotion of the licensing objectives. It did not deem it would be a sufficient sanction to deter the licence holder from allowing the problems that gave rise to the review to be resolved on the basis of the premises irresponsible trading.

### **Revoke the licence**

The Sub-Committee considers the sale of illicit tobacco to be extremely serious and undermines the licensing objectives.

The Sub-Committee considered that this was the appropriate measure to take to tackle the problems at the premises and that all other measures had been considered and deemed insufficient.

*The meeting was adjourned at 11.40am and reconvened at 1.10pm*

## **5. Application for a New Premises Licence for Euro Food Centre, 1 Midland Road, Wellingborough, NN8 1HA**

*The applicant was not present.*

The Licensing Enforcement Officer presented the report which requested the Sub-Committee to consider an application for a new premises licence for Euro Food Centre, 1 Midland Road, Wellingborough.

An application for a new premises licence was received on 30 August 2024. The appropriate notices were displayed and the advertisement was placed as required.

The application had requested to allow a licensable activity to take place in a new convenience store:

**Sale of alcohol for consumption off the premises:**

Sunday to Thursday 08:00 – 00:00  
Friday to Saturday 08:00 – 02:00

**Opening Hours:**

Sunday to Thursday 08:00 – 00:00  
Friday to Saturday 08:00 – 02:00

During the consultation period, one representation from Northamptonshire Police had been received under the licensing objective of the prevention of crime and disorder. The Police stated that the Director listed on Companies House was linked with the employment of illegal workers and had been found with illicit tobacco products. The applicant was also linked to another premises in Wellingborough which had had illegal vapes seized from it and where a positive test purchase for illicit tobacco had been completed.

The Chair invited PC David Bryan, on behalf of Northamptonshire Police, to address the Sub-Committee in support of their representation. PC Bryan advised that in February 2023, a director of the applicant had been stopped by Lincolnshire Police and found to be in possession of three large boxes of illicit tobacco. In August 2023, a hand car wash had been visited by Immigration officials and a number of people had been found with no right to work in the UK. Another premises in Wellingborough had made an application for a premises licence where a number of non-compliant vapes had been found and a positive test purchase for illicit tobacco had been completed. Subsequently, that application had been withdrawn. When the application for 1 Midland Road had been received, an email address was linked to the two premises. The Police believed that there was a link between both premises and the sale of illicit tobacco. The Police requested that the Sub-Committee considered refusing the application.

**RESOLVED** that the application for a new premises licence for the premises known as Euro Food Centre, 1 Midland Road, Wellingborough be refused.

Reasons for decision

In reaching its decision the Sub-Committee took into consideration:

- Licensing Act 2003
- The s182 Statutory Guidance
- The Licensing Objectives
- The report from Rita Groves on behalf of the Council.
- Representations of Northamptonshire Police
- North Northamptonshire Council's Statement of Licensing Policy

The Sub-Committee unanimously agreed that having regard to the papers, having heard the application and the representations of all parties that there were valid concerns in relation to the operation of the premises and compliance with the conditions of the premises licence.

The Sub-Committee considered that the activities linked to the applicant are serious criminal activities that undermine the licensing objective of the prevention of crime and disorder. The Sub-Committee do not seek to establish the criminal liability of any party

in relation to any allegations posed but do seek to ensure the promotion of the licensing objectives at all times.

The Sub-Committee considered the statutory powers available to them and resolved that the application should be refused on the grounds that it is appropriate to do so for the promotion of the licensing objectives.

**6. Close of Meeting**

The meeting closed at 1.35pm.

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Chair

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Date