

SHOPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 21 October 2014

**10.00 - 11.08 am in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND**

Responsible Officer: Emily Marshall

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Present

Councillors Vernon Bushell, Peter Cherrington and Andrew Davies

16 Election of Chairman

RESOLVED:

That Councillor Peter Cherrington be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

17 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

18 Application for a Review of a Premises Licence - Magdalenka, 10-12 Shropshire Street, Market Drayton, Shropshire

Consideration was given to an application for a Review of a Premises Licence in respect of Magdalenka, 10-12 Shropshire Street, Market Drayton, Shropshire, TF9 3BY.

Ms. Louise Prince (Solicitor – Shropshire Council), Mr A. Rashid (The Licence Holder); Mr G. Tunnadine (Applicant - Shropshire Council's Trading Standards Team Manager – Investigations); and Mr S. Ditton (Shropshire Council's Public Protection Officer - Specialist); were present.

Mr G Tunnadine (Applicant – Trading Standards) addressed the Sub-Committee, stating that the application for a review of the Premises Licence was made on the grounds that operations at the premises undermined the Prevention of Crime and Disorder and Protection of Children from Harm Licensing Objectives. Illicit tobacco products had been discovered at the premises on three separate occasions and there had been a complaint of sale of tobacco to a fifteen year old at the premises. The Premises Licence Holder at the time was convicted and following this an application to change the Premises Licence Holder and DPS was submitted. The new Premises Licence Holder and owner of the Premises was Mr Rashid.

In response to questions from Members of the Sub-Committee the Team Manager – Investigations confirmed that;

- There was nothing to suggest that Mr Rashid had been involved in the illegal activity at the premises, he was present at the premises on 29th June as an employee only;
- He was not satisfied that Mr Rashid was the new owner of the Premises; and
- During his interview Mr Rashid had given Licensing Officers an address which when checked further turned out to be false.

The Public Protection Officer (Specialist) addressed the Sub-Committee confirming that the application for the review had been accepted as a valid application and outlining the options for consideration by the Sub-Committee.

The Licence Holder addressed the Sub-Committee explaining that he wanted to improve the running of the business.

In response to questions from the Applicant (Trading Standards) and Members of the Sub-Committee, the Licence Holder confirmed that;

- He had no experience of running a business;
- He was present at the premises on 23rd June but he was not an employee he just came in for two to three days per week to observe how the business operated;
- He had no relationship to Miss Pole;
- He did not know that illicit tobacco products were being sold from the premises at the time;
- He was aware that the Licence was subject to a Review when he took it over;
- He was the sole owner of the business;
- He was unable to present any evidence of the financial transaction for the sale of the business/rental agreement or any legal documentation to prove ownership of the business; and
- He was unable to explain why a person unknown to him was paying business rates at the premises.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 10:49 and reconvened at 11:06 to announce their decision.

RESOLVED:

That the Premises Licence for Magdalenka, 10-12 Shropshire Street, Market Drayton, Shropshire, TF9 3BY be revoked with immediate effect.

Reason:

The Sub-Committee had read all of the submitted documents and considered all the representations made by the parties, at the hearing.

The Sub-Committee felt that there had essentially been no change to the management of the business. The former Designated Premises Supervisor / Premises Licence holder of the premises had been found by the Courts to have been engaging in criminal activity. The new Designated Premises Supervisor / Premises Licence Holder had presented no evidence to support his case that the business had been transferred to him and confirmed that the previous Premises Licence holder / Designated Premises Supervisor was still involved in the management of the business. In the circumstances the Sub-Committee did not consider that any conditions could be added to the premises licence that would sufficiently promote the licensing objectives in particular the Prevention of Crime and Disorder and the Protection of Children from Harm.

The Sub-Committee considered that the decision was in accordance with the guidance issued by the Home Office and with the Licensing Objectives of the Promotion of Crime and Disorder and the Protection of Children from Harm.

It was noted that the Sub-Committee's decision would be confirmed in writing and that all parties had the right of appeal.

Signed (Chairman)

Date: