

LICENSING, ENVIRONMENT & SAFETY SUB-COMMITTEE A

Meeting: 9 March 2022

At: 6.05 pm

PRESENT

Councillor Chris Gordon (Chair) in the chair; Councillors Dickie Davies and Alanna Vine.

1. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 8 February 2022 were approved as correct record and signed by the Chair.

2. DECLARATIONS OF INTEREST

Councillors and officers were invited to declare any interests which they had in any of the items on the agenda for the meeting.

No declarations were made.

3. PUBLIC QUESTION TIME

No public questions were submitted.

4. EXCLUSION OF THE PUBLIC AND PUBLIC INTEREST TEST

RESOLVED - That notwithstanding the submission of information as part of Agenda Item 5 – 'Licensing Act 2003: Application to review the premises license at Drinks Allowed, 18 Castle Street, Edgeley, SK3 9AD' which had been classified as 'Not for Publication' by virtue of it containing material which related to an individual, the sub committee was satisfied that in the circumstances it was not necessary for the public to be excluded from the meeting.

5. LICENSING ACT 2003: APPLICATION TO REVIEW THE PREMISES LICENCE AT DRINKS ALLOWED, 18 CASTLE STREET, EDGELEY, SK3 9AD

A representative of the Director for Place Management submitted a report (copies of which had been circulated) detailing an application from Stockport Metropolitan Borough Council Trading Standards Authority (Trading Standards) being a responsible authority under the Licensing Act 2003 and exercising its statutory function to promote the prevention of crime and disorder, public safety, and the protection of children from harm licensing objectives, to review the Premises Licence at Drinks Allowed, 18 Castle Street, Edgeley, SK3 9AD.

Stockport Metropolitan Borough Council's Licensing Authority (Licensing Authority), also made a valid representation being a responsible authority under the Licensing Act 2003 and exercising its statutory function to promote the prevention of crime and disorder and the protection of children from harm licensing objectives. Representatives from both Trading Standards and the Licensing Authority, attended the meeting and answered questions in relation to the application.

The Premises Licence Holder and his representatives also attended the meeting and answered questions in relation to the application.

Additional evidence, including letters, an invoice, and seized counterfeit products, were submitted at the meeting. The interested parties agreed that the additional evidence be presented to and considered by the Sub-Committee.

The Sub-Committee, having heard the interested parties, proceeded to consider the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives in respect of the application, together with the relevant parts of the council's Licensing Policy and guidance from the Home Office. However, the decision was reached on consideration of all arguments given in relation to this specific application.

It was then

RESOLVED – That having heard the application for a review of the premises licence at Drinks Allowed, 18 Castle Street, Edgeley, SK3 9AD made by Trading Standards and supported by the Licensing Authority and having considered all the evidence presented, the Sub-Committee was satisfied that the premises had demonstrated its inability to satisfactorily address the prevention of crime and disorder, public safety, and the protection of children from harm licensing objectives on the following grounds:

- Accepting potential technical difficulties, a failure to provide CCTV footage as required under condition on the existing premises licence.
- A failure to provide effective management and training of staff on the premises in respect of the use of CCTV and age verification.
- The intention for the sale of illegal tobacco (vape products).
- The intentional purchasing of illegal tobacco, although not for sale, demonstrates that the premise licence holder was not promoting the prevention of crime and disorder licensing objective.

In arriving at this view, the Sub-Committee considered the evidence included within the application for the review of the premises licence submitted by Trading Standards and the representations in support of the review submitted by the Licensing Authority, and balanced this against the written and oral evidence submitted by the premises licence holder.

The Sub-Committee was of the view that there had been significant and repeated failures by the premises to comply with the conditions of the licence, which demonstrated a sustained disregard for the licensing objectives.

The Home Office Guidance issued under the Licensing Act 2003 provides that there was certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the licensed premises for the sale or storage of smuggled tobacco and alcohol. Vapes and e-cigarettes are tobacco products.

It was envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which were responsible authorities, would use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective

was being undermined through the premises being used to further crimes, it was expected that revocation of the licence – even in the first instance – should be seriously considered. The Sub-Committee was satisfied that by knowingly purchasing counterfeit tobacco, even if for personal use, the crime prevention objective was undermined, albeit it could not be satisfied that the premises was being used for the sale of these tobacco products i.e., the rolling tobacco and cigarettes. The purchase of counterfeit vapes for sale at the premises undermined the crime prevention, protection of children from harm and public safety licensing objectives. The Sub-Committee was of the view that the cost of the vapes should have alerted the premises licence holder that the products were not genuine and he made no attempt to check what would identify the products as legitimate.

It was also noted that the premises had subsequently not operated compliantly since the application for a review of the licence had been made, namely, failure to provide effective training of staff, which demonstrated that it was not possible for the premises to operate in accordance with the licensing objectives.

The Sub-Committee had no confidence that the Premises Licence Holder was able to consistently apply and comply with the conditions of the premises licence.

The Sub-Committee was therefore satisfied that the actions of the Premises Licence Holder had undermined and continued to undermine the prevention of crime and disorder; the protection of children from harm; and promotion of public safety licensing objectives.

The Sub-Committee was of the view that there were no further conditions that could be imposed which would ameliorate the concerns expressed by Trading Standards and the Licensing Authority during the hearing, and accordingly it was determined that it was reasonable, balanced, appropriate and proportionate based on all the evidence for the Premises Licence to be revoked.

The meeting closed at 20:47