

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Monday, 30th July, 2018.

Present: Cllr Paul Kirton (Chairman), Cllr Chris Clough, Cllr Bill Woodhead MBE

Officers: Jonathan Nertney, Polly Edwards, Sandra Percival, Michael Henderson, John Wynn (SBC)

Also in attendance: James Kemp, (Barrister representing Cleveland Police and Trading Standards) PC James Johnson (Cleveland Police), Shorsh Rasoul Ismail (Premise Licence Holder), Cllr Louise Baldock (Local Ward Member)

Apologies: None

SLS 8/18 Evacuation Procedure

The Evacuation Procedure was noted.

SLS 9/18 Declarations of Interest

There were no declarations of interest.

SLS 10/18 Minutes from the Statutory Licensing Sub Committee which was held on the 5th June 2018

The minutes of the meeting held on 5th June 2018 were confirmed and signed as a correct record.

SLS 11/18 Licensing Act 2003 Review Application, Leza's Local 14 Bowsfield Lane, Stockton

Members considered a review application in respect of Leza's Local, 14 Bowsfield Lane, Stockton on Tees. The review had been requested by Trading Standards and was supported by Cleveland Police. Representations, that had been received, related to the prevention of crime and disorder, prevention of public nuisance and public safety objectives.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

A copy of a summary report, including supporting documents and statements, had been provided to the Sub Committee and all persons present.

It was noted that Mr Kemp was representing Trading Standards and Cleveland Police.

Trading Standards evidence included:

- A statement of the Enforcement Officer Trading Standards dated 8th June 2018 (plus exhibits JHW/1 - JHW/8)

Cleveland Polices evidence included:

A statement of PC Johnson dated 12th July 2018 (plus exhibits JRJ/1 - JRJ/10)

An application was made by Mr Kemp under the Licensing Act 2003 (Hearings) Regulations 2005. The application was to exclude the Public from the meeting while evidence was heard, concerning an ongoing criminal investigation.

The Sub Committee agreed that there was evidence to be heard, which concerned an ongoing criminal investigation and it was satisfied that that part of the evidence should not be heard in public. The public were asked to leave the meeting room.

Mr Kemp called evidence from the Trading Standards Officer and from PC Johnson from Cleveland Police.

After hearing the evidence concerning the ongoing criminal investigation, the meeting resumed in public.

Mr Kemp informed the Committee that, based on the evidence presented, Trading Standards and Cleveland Police were strongly of the opinion that the only appropriate action to protect members of the public and prevent the licensing objectives being undermined was to revoke the premises licence.

The Committee noted that Environmental Health had submitted a representation supporting the review of the premises licence. The Committee also heard from Councillor Baldock who had submitted a representation which had been included in the Committee report.

Mr Ismail made submission to the Sub Committee, as the Premise Licence Holder. Mr Ismail did not call any evidence and did not directly challenge the evidence, which had been presented by Trading Standards and Cleveland Police.

Mr Ismail apologised to the Sub Committee and gave his assurance that, if he was allowed to keep the premise licence, there would be no further activity of this nature.

At this point, as there were no further representations and Members had no further questions, the Sub Committee requested that all parties leave the meeting room, other than its Legal Advisor and the Governance Officer, so that it could consider its decision.

Members had regard to the extensive written evidence, which had been presented to them, in addition to the oral evidence given by witnesses at the meeting. The Sub Committee was mindful that it had to consider the matter on the balance of probabilities.

The Sub Committee noted that Mr Ismail had not called any evidence from any witnesses. Mr Ismail gave evidence to the Committee but it was noted that he did not deny the basis of the allegations, which he faced. Mr Ismail had at best provided mitigation to the Committee, which was based on his submission that the Committee should give him another chance.

The Sub Committee was satisfied that, on the balance of probabilities, Mr Ismail knowingly had in his possession, at his home address and business premises, items that were illicit in nature. The Sub Committee concluded that the items were, likely, being supplied to his customers on a retail basis. The Sub Committee noted that a criminal investigation had not yet been concluded but it was satisfied that, on the balance of probabilities, Mr Ismail was fully aware of the items and their supply to customers.

The Committee considered what action was necessary and proportionate to take.

The Sub Committee noted that Mr Ismail did not have a disciplinary record of warnings. However, it considered that Mr Ismail's actions undermined licensing objectives. The Sub Committee had regard to the section 182 Guidance and noted that paragraph 11.27, which stated:

'There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These were the use of licensed premises for the sale and storage of smuggled tobacco and alcohol'.

The Committee was satisfied that the crime prevention objective was being undermined by Mr Ismail and, given this finding, the Committee felt it appropriate, and proportionate, to revoke his premise licence.

All parties were called back into the meeting room and were informed of the Sub Committee's decision.

RESOLVED that the premise licence be revoked.

**SLS
12/18 Licensing Act 2003
Vary DPS Application, Leza's Local
14 Bowsfield Lane, Stockton**

Members considered an application to vary a premises licence to specify an individual, as a Designated Premises Supervisor (DPS), in respect of Leza's Local, 14 Bowsfield Lane, Stockton on Tees, TS18 3EP.

The individual, who was the prospective DPS, was, Mr Shorsh Rasoul Ismail.

It was explained that Cleveland Police had objected to the grant of the variation, as it was satisfied that the exceptional circumstances of the case were such that granting the application would undermine the crime prevention objective.

The Sub Committee highlighted that, earlier in its meeting, it had received representations from Cleveland Police, Trading Standards, Cllr Louise Baldock and Mr Ismail and, following consideration of those representations it had agreed to revoke the premises licence that Mr Ismail had held in respect of Leza's Local, on the basis that his actions had undermined the licensing objectives and in particular the crime prevention objective.

The Sub Committee agreed that its findings, during the review of Mr Ishmail's premise licence, applied equally to his application to become the DPS, for the

same premise. Given this the Sub Committee agreed that his application to vary the DPS be refused.

RESOLVED that the application to vary the Designated Premises Supervisor be refused.

**SLS
13/18 Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the Act.

**SLS
14/18 Licensing Act 2003, Review of a Premise Licence
Leza's Local, 14 Bowesfield Lane, Stockton -On-Tees**

This item included the confidential information in relation to the item 'Licensing Act 2003, Review of a Premise Licence, Leza's Local, 14 Bowesfield Lane, Stockton on Tees'. Please refer to the above for the Committee's decision.

**SLS
15/18 Licensing Act 2003
Vary DPS, Leza's Local
14 Bowesfield Lane, Stockton**

This item included the confidential information in relation to the item 'Licensing Act 2003, Vary DPS, Leza's Local, 14 Bowesfield Lane, Stockton on Tees'. Please refer to the above for the Committee's decision