

STATUTORY LICENSING SUB COMMITTEE

A meeting of Statutory Licensing Sub Committee was held on Tuesday 8 August 2023.

Present: Cllr Eileen Johnson (Chair), Cllr Andrew Sherris and Cllr Mick Moore.

Officers: Emma Brady, Mandy MacKinnon (AH&W), Natalie Hodgson, Rebecca Jackson, John Devine, Rachel Harrison (CS), Elliott Beevers, Ellie Green, Dawn Hand and Leanne Maloney-Kelly (A&H).

Also in attendance: Sergeant Glyn Bavin (Cleveland Police), Mr Shaun Shafiq and Mr Kosar Shafiq

Apologies: .

SLS/1/23 Evacuation Procedure

The Evacuation Procedure was noted.

SLS/2/23 Declarations of Interest

There were no declarations of interest.

SLS/3/23 Minutes from the Statutory Licensing Sub Committee which was held 7th November 2022

RESOLVED that the Minutes of the Statutory Licensing Sub Committee held on 7 November 2022 be agreed and signed as a correct record.

SLS/4/23 Licensing act 2003 - Application for review of a premises licence - Premier mini market - 75-81 Oxbridge Lane, Stockton-on-Tees, TS18 4AR

Members of the Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for a review of a premise licence for Premier mini market- 75-81 Oxbridge Lane, Stockton-on-Tees, 4AR.

Members noted that the review of the premises licence was made at the request of the Council's licensing department.

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

A copy of the report and supporting documents had been provided to all persons present and to Members of the Committee.

The applicant Mrs Maloney-Kelly Licensing Team Leader presented her application on behalf of the Licensing Authority, a responsible authority under the Licensing Act 2003.

The Sub-Committee heard that Mr Shaun Kayser Shafiq was both the premise licence holder and the designated premises supervisor for the premises and had been solely responsible for the management and day to day operations at the store since 1st September 2006.

The Sub-Committee were told that concerns related to poor management at the premises resulting in potential criminal offences of unlicensed activity, namely the supply of alcohol at a time when the premise licence did not permit.

The applicant explained to the Sub-Committee that on the 17 February 2023, Mr Shaun Shafiq supplied a bottle of vodka to a male at 6:06 am, who sadly collapsed and died in the street shortly after leaving the premises. The Sub-Committee heard that the supply of alcohol as a licensable activity was not permitted at the premises until 08:00 am.

The Sub-Committee noted that information in relation to this matter was received by the Licensing Authority as part of a review into the alcohol related sudden death. The Sub-Committee heard that the Licensing Authority were concerned that the licensing objectives, specifically the Prevention of Crime and Disorder & Public Safety had been undermined by Mr Shaun Shafiq's actions on 17 February 2023, and throughout the subsequent Licensing Authority investigation.

The Sub-Committee were told that when Mr Shaun Shafiq was interviewed by licensing officers regarding this matter, he denied the sale; his inability to recognise the seriousness of his actions raised concerns for the Licensing Authority due to his lack of understanding that the impact that alcohol had on vulnerable people.

The Sub-Committee heard that Mr Shaun Shafiq confirmed during his interview with licensing officers that he was aware that this male was an alcoholic.

The Licensing Team Leader explained to the Sub-Committee that Mr Shaun Shafiq had obstructed licensing officers in their investigation by not disclosing there were two CCTV systems at the premises and by not providing till receipts when requested.

The Sub-Committee heard that immediately after his interview, Mr Shaun Shafiq, displaying no concern or remorse for the situation, asked officers how he could increase the alcohol supply hours at the premises to 06:00, displaying a total disregard for the investigation and the seriousness of the matter.

The Sub-Committee heard that there were also concerns in relation to the premises' CCTV system, as the licence included a condition that the CCTV recordings should be kept for 14 days, however the system at the premises was only recording for 3 days.

The Sub-Committee heard representation from Cleveland Police and Public Health.

Sergeant Bavin of Cleveland Police's Licensing Unit addressed the committee, he read aloud the witness statements of Sergeant Parkinson, PC Godber and PC Thorpe, all which appeared within the Sub-Committee papers and showed the Committee the footage from Sergeant Parkinson's body worn video device of his interaction with Mr Shaun Shafiq on 17 February 2023.

Sergeant Bavin confirmed to the Committee that Cleveland Police supported the Licensing Authority's application for a review on the basis that the licensing objectives,

specifically the Prevention of Crime and Disorder & Public Safety had been undermined.

The Sub-Committee heard the Police's concerns that Mr Shaun Shafiq did not think that he had done anything wrong, which indicated that he was not familiar with the licensable hours, and as a Designated Premises Supervisor he should have been, or he flagrantly disregarded the terms of his licence.

The Strategic Health & Wellbeing Manager, Ms MacKinnon made a submission on behalf of Public Health and confirmed to the Sub-Committee her department's support for the review application. The Sub-Committee heard that Public Health felt that the sale of alcohol outside of licenced hours to someone who appeared to be intoxicated, plus the obstruction of licensing officers carrying out an investigation into this matter, lead to their conclusion that the licensing objectives, specifically the Prevention of Crime and Disorder & Public Safety had been significantly undermined.

The Strategic Health and Wellbeing Manager advised the Sub-Committee that the ward in which the premises was situated was the worst in the borough for hospital stays for alcohol-related harm, and crime under the influence of alcohol.

The Sub-Committee heard from, the premise licence holder, Mr Shaun Shafiq that he was covering the morning shift for his father who was on holiday; the store was usually open 7:00am to 7:00pm. Mr Shaun Shafiq told the Committee that on 17 February 2023, he opened early that day due to it being a windy day.

Mr Shaun Shafiq stated that he was completely unaware of his mistake, selling alcohol earlier than the premises was licenced to, as he did not know what time it was. Mr Shaun Shafiq assured the Sub-Committee that this was a one-off isolated incident and that he would be a responsible licence holder in future.

Mr Kosar Shafiq asked to make a statement in support of his son. The Sub-Committee allowed him to give his personal view as a character reference, however reminded him that he was away on holiday at the time of the incident and was not present when his son was interviewed by licensing officers.

All parties present, were given an opportunity to ask questions and were given an opportunity to sum up their case with the Applicant invited to speak last.

The Sub-Committee considered all of the papers before them and listened to what the officers, responsible authorities, Mr Shaun Shafiq and his father said to them. The Sub-Committee had lengthy discussions when determining their decision.

The Sub-Committee concluded that there were two distinct elements to the actions of Mr Shaun Shafiq: -

1. Mr Shaun Shafiq's actions in failing to comply with his licence conditions on 17 February 2023. In selling alcohol before 8:00am, Mr Shaun Shafiq gave no thought to his vulnerable customer, who he referred to as an "alcoholic" when speaking to Police. The Committee were concerned by Mr Shaun Shafiq's repeated assertion that he had done nothing wrong, despite disregarding the terms of his licence.
2. The second element of Mr Shaun Shafiq's behaviour was obstruction of the Licensing Authority throughout their investigation and his concerning attitude throughout the Committee hearing.

The Sub-Committee noted Mr Kosar Shafiq's support of his son, but again noted their concerns in relation to Mr Kosar Shafiq's aggressive emotional behaviour throughout the Sub-Committee hearing.

The Sub-Committee were not persuaded that Mr Shaun Shafiq had an awareness of the impact of his actions, nor that he would not make the same mistake and undermine the licensing objectives in future.

Furthermore, Mr Shaun Shafiq's aggressive attitude and obstructive manner towards the Licensing Authority and its officers throughout the Sub-Committee hearing demonstrated his unwillingness to cooperate with officers. This did not persuade the Sub-Committee that Mr Shaun Shafiq would act in a different way and cooperate with officers in the future. This deterred the Sub-Committee from reaching any alternative conclusion than the revocation of the premises licence.

The Sub-Committee took this matter extremely seriously and were satisfied that this was a case where revocation of the premise licence was a necessary and an appropriate sanction. After considering and weighing up all of the evidence and submissions made by the parties to the hearing, the Sub-Committee resolved to revoke the premises licence.

RESOLVED that the Premise Licence be revoked.