



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: FRIDAY, 9 AUGUST 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Fonseca

Councillor Gee

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1. APPOINTMENT OF CHAIR

Councillor Hunter as Chair led on introductions.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

**4. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE:
EURO MARKET, 33 NARBOROUGH ROAD, LEICESTER, LE3 0LE**

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to review the premises licence for Euro Market 31-33 Narborough Road, Leicester, LE3 0LE.

Members noted that a representation had been received, which necessitated that the licence had to be reviewed by the Sub-Committee.

Ms Iwona Wojcik the premises licence holder and the Designated Premises Supervisor (DPS) was not in attendance. The Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee were present. Also present was the Licensing Team Manager (Enforcement) who had submitted the representation.

Introductions were made and the procedure of the meeting was outlined to

those present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that an application had been received from Leicester City Council's Enforcement Team on 24 June 2019 for a review of the existing premises licence for Euro Market, which related to the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

The Licensing Team Manager (Enforcement), acting in the capacity of Responsible Authority, made representations in support of the review.

Members then queried the process of obtaining a personal licence, which was then outlined to the Sub-Committee.

All parties were then given the chance to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised on the options available to them in making a decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision the Sub-Committee felt they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The licensing Team Manager (Policy and Applications), The Legal Adviser to the Sub-Committee and the Licensing Team Manager (Enforcement) then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was then recalled to the meeting to advise Members on the wording of their decision.

The Licensing Team Manager (Policy and Applications) and the Licensing Manager (Enforcement) then returned to the meeting.

Those present were informed the Legal Adviser to the Sub-Committee was recalled to advise members on the wording of the decision.

RESOLVED:

That the Premises Licence for Euro Market, 33 Narborough Road, Leicester, LE3 0LE be REVOKED.

REASON FOR DECISION:

The Sub-Committee had listened carefully to representations and had taken

into account the Statutory Guidance, the Regulators Code and the Council's Licensing Policy. The Sub-Committee had also taken into account the letter sent by legal representatives for Ms Iwona Wojcik stating that their client would not be attending the hearing and had effectively resigned as the Designated Premises Supervisor (DPS) of Euro Market.

Ms Wojcik was both the Premises Licence Holder and the DPS.

On 12 April 2019 Ms Wojcik was present on the premises when a joint agency enforcement operation took place. A number of breaches of the conditions on the premises licence were noted and a large amount of cigarettes and tobacco on which UK duty had not been paid were found, both on the premises and in the flat above. Ms Wojcik was in possession of the keys for the flat. She admitted that she had been selling the cigarettes at £5.00 per packet for a few weeks.

On 21 May 2019, the premises were visited, and it was noted that some of the breaches of the premises licence previously seen continued.

Although the Sub-Committee had been advised that Ms Wojcik was now complying with the conditions on the premises licence, the premises had been used by her for criminal purposes, namely the sale and storage of smuggled tobacco and was to be treated seriously. The criminal activity undermined the licensing objective of the prevention of crime and disorder.

The Sub-Committee's decision that it was appropriate for the promotion of the licensing objective of the prevention of crime and disorder to revoke the licence.

Ms Iwona Wojcik would be advised of the right to appeal to decision to the Magistrate's Court within 21 days.

5. ANY OTHER URGENT BUSINESS

There being no more items of urgent business the meeting was declared closed at 10:40am