

**Minutes of the meeting of Licensing sub-committee held at
Online Meeting on Monday 10 January 2022 at 12.30 pm**

Present: Councillor Paul Andrews (Chairperson)
Councillor Tony Johnson
Councillor Polly Andrews

In attendance: Mr Aziz, Premises Licence Holder

Officers: Principal Trading Standards Officer, Licensing Officer, Senior Solicitor –
Major Projects and Democratic Services Officer.

159. APOLOGIES FOR ABSENCE

No apologies for absence were received.

160. NAMED SUBSTITUTES (IF ANY)

Councillor Polly Andrews substituted for Councillor Seldon as the third member of the Committee.

161. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**162. REVIEW OF A PREMISES LICENCE IN RESPECT OF : LEDBURY MINI MARKET, 10
NEW STREET, LEDBURY HR8 2DX CALLED BY HEREFORDSHIRE COUNCIL TRADING
STANDARDS - LICENSING ACT 2003**

---o0o--

Councillor Paul Andrews was appointed as Chairperson of the licensing sub-committee for this meeting as in the intervening period between publication of the agenda and the meeting date, Councillor Seldon, the standing Chair of the licensing sub-Committee, had resigned. Councillor Polly Andrews substituted for Councillor Seldon as the third member of the Committee.

---o0o---

Members of the licensing sub-committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda and the background papers.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the licensing sub-committee. Members then heard representations from the Principal Trading Standards Officer, representing the Council's Trading Standards Service.

Mr Di Lucia, representing the Council's Trading Standards Service, outlined the reasoning for requesting the review and revocation of the premises licence for Ledbury Mini Market which included concerns about serious crime at the premises, namely the sale of illegal cigarettes.

Over a two month period, three separate test purchases had been carried out and cigarettes purporting to be genuine Benson and Hedges were found to be counterfeit products.

The licensing sub-committee then heard from the Premises Licence Holder, Mr Aziz, who told the licensing sub-committee that he was not aware that the cigarettes were counterfeit until informed by Trading Standards. Members of the licensing sub-committee asked Mr Aziz whether he was aware of the normal retail price of a pack of Benson and Hedges and if so why the cigarettes had been sold at less than half this price. Mr Aziz confirmed that although he did not sell many cigarettes in his shop he did know that the price was much cheaper but that it reflected the lower price that he had himself purchased them for, and reasserted that he did not know that they were a counterfeit product.

The licensing sub-committee carefully considered all the representations, reports and evidence before them at the hearing. They had regard to their duties under the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance issued under Section 182 and Herefordshire Council's statement of licensing policy 2020 – 2025

DECISION

The Sub-Committee's decision was to revoke the licence. Revocation of the licence meant that the premises would no longer have a licence to sell alcohol.

REASONS

Having heard the report of the Licensing Authority, the evidence from Trading Standards, as the applicant for the licensing review, and having regard to the Guidance issued under Section 182 Licensing Act 2003, the licensing sub-committee considered that the evidence did show that a serious offence had been committed at the premises. The licensing sub-committee noted the representation from Mr Aziz as the DPS but against this noted that there had been 3 failed test purchases and repeated offences. The licensing sub-committee considered that there had been a failure to uphold the licensing objectives, particularly the licensing objective of prevention of crime and disorder and therefore the decision of the licensing sub-committee was that the licence be revoked.

The Licensing Sub-Committee had considered whether any lesser or alternative steps would be appropriate but felt that such steps would not address their concerns.

APPEAL INFORMATION

Under Schedule 5 Paragraph 8A of the Licensing Act 2003, the premises licence holder, an individual who made relevant representations or the chief officer of police, may appeal against the decision. Such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.