

**LICENSING SUB-
COMMITTEE**

10.20 A.M.

23RD SEPTEMBER 2024

1 LICENSING ACT 2003 - PREMISES LICENCE GRANT- LANCASTER MINI-MARKET, 71 BOWERHAM ROAD, LANCASTER, LA1 4AQ.- DETERMINATION OF APPLICATION FOLLOWING A RELEVANT REPRESENTATION

The Sub-Committee comprised of Councillor Martin Bottoms (Chair), Councillor Gerry Blaikie and Councillor Margaret Pattison.

The Legal Adviser was Daniel Spencer, Solicitor.

The Democratic Support Officer was Stephen Metcalfe.

The Sub-Committee was requested to consider an application from Mr Hawbash Shorsh Hamza for the grant of a premises licence under Section 17 of the Licensing Act 2003 in respect of Lancaster Mini-Market, 71 Bowerham Road, Lancaster, LA1 4AQ. The application was for a licence to facilitate the sale & supply of alcohol from Monday – Sunday 07:00 until Midnight (Consumption Off Premises)

During the statutory 28-day consultation period the Council received a relevant representation from a Responsible Authority, namely Lancashire County Council Trading Standards Service. This related to the Crime Prevention licensing objective.

Trading Standards attended at the premises on the 24th July 2024 to carry out an inspection and discovered 129 non-compliant vapes under the counter and 67 non-compliant vapes in a box in the storeroom. 31 packs of illegal tobacco and cigarettes were also found under the counter. These items were seized under the Consumer Rights Act 2015.

The premises licence was previously held by Lancaster Mini-Market Ltd (Co Reg No:13888919) from 29th March 2022. It was not until the Multi-Agency operation at the premises on 24th July 2024 that checks were undertaken through Companies House that revealed the Limited Company had been dissolved on 2nd January 2024 effectively leaving the business without a premises licence.

Mr Hamza's brother who was at the premises at the time of the inspection was advised that there was no current facility with which to legally retail the sale and supply of alcohol and that it should be removed from the shelves with immediate effect. The application for the grant of a new premises licence was submitted two days later.

Mr Hamza was in attendance together with his representative Mr Tony Clarke.

Jason Middleton Trading Standards Officer from Lancashire County Council was in also in attendance.

The Chair explained the procedure to those present and stated that the hearing would be a discussion led by the licensing authority, and any questions would be put through the Chair.

The Licensing Officer introduced the report and answered questions.

Mr Middleton made representation on behalf of Trading Standards and answered questions.

Mr Clarke made representations on behalf of Mr Hamza and read a statement on behalf of the applicant. He requested that the licence be granted for a period of only 1 year, which would enable Licensing and trading standards be able to review the premises for compliance. He apologised for the breaches that were found by Trading Standards in July 2023, stating that he wasn't present and blaming previous management for the illegal products.

The Sub-Committee withdrew to make its decision and sought advice from its legal adviser as to the appropriate phraseology of the decision.

DECISION

The Sub-Committee carefully considered all the written information before it, and all the representations and views expressed at the hearing.

The Sub-Committee noted that the application relates to a new premises licence for Lancaster Mini-Market, 71 Bowerham Road, Lancaster, LA1 4AQ.

The Sub-Committee considered the details within the report, the representations from the parties present and the Councils own Statement of Licensing Policy, together with the Home Office s.182 guidance.

The Sub-Committee noted the representations of the Trading Standards Officer and are very concerned that the premises were discovered to have 129 non-compliant vapes under the counter, 67 non-compliant vapes in a box in the storeroom and 31 packs of illegal tobacco and cigarettes also under the counter, following an inspection occurring on the 24th July 2024. The Sub-Committee were also concerned that there was a male also found to be working illegally within the premises who was dealt with by Immigration Officers. It is noted that the applicant has stated that this male was his brother and that he has made the appropriate application to the Home Office and now has the right to work. The Sub-Committee has not received any information from Immigration in relation to this application.

The Sub-Committee has taken note of the representations submitted by Mr Clarke on behalf of the applicant. The Sub-Committee noted that the applicant accepted that he was the owner of the premises at the time of the inspection. Although he was not present at the time of the inspection, he apologised for what had occurred stating that the shop manager was responsible for selling the non-compliant vapes and tobacco. He has now taken over the control of the premises and has instructed a Licensing Consultant to provide detailed advice to him and his employees. Since the last inspection he stated that the premises has been fully compliant with all licencing and trading standards laws

The Sub-Committee have decided after taking everything into consideration to grant the application for a premises licence. This will be for a period of 12 months as requested by the applicant.

The Sub-Committee would like to emphasis to Mr Hamza that should there be any further instances concerning the sale of items from the premises in breach of trading standards,

issues concerning illegal workers being employed at the premises, or any other issues which offend any of the licensing objectives than he should expect the matter to come back before the Sub-Committee for a review of the licence, whereupon serious consideration would be given to revoke his licence.

Mr Hamza is also reminded that as the licence is only for a 12 month period he will have to reapply for a premises licence before the expiration of his licence should he wish to continue selling alcohol from the premises.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision within 21 days from receiving this written decision.

(The meeting ended at 11.30 a.m.)

**Any queries regarding these Minutes, please contact
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