

MORECAMBE OFF-LICENCE, 34 QUEEN STREET, MORECAMBE

APPLICATION FOR THE REVIEW OF THE PREMISE LICENCE

DECISION NOTICE OF LICENSING ACT SUB-COMMITTEE

TUESDAY, 16 APRIL 2019

The Sub-Committee comprised of Councillor Mel Guilding (Chairman), Councillor June Ashworth and Councillor Colin Hartley.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

Lancashire Trading Standards, as a Responsible Authority, had submitted an application for review of a premises licence under Section 51 of the Licensing Act 2003. The application related to Morecambe Off-Licence, 34 Queen Street, Morecambe LA4 5EG.

During the prescribed consultation period a further representation was received from the Police as a Responsible Authority

Sam McConnell represented Lancashire Trading Standards and was accompanied by Lauren Manning.

PC Andrew Taylor represented the Police and was accompanied by Heather Crawshaw and PC Sean Brady.

Mr Osman Said, the sole director of the Premises Licence Holder, was present and was represented by Victoria Cartmell of Forrest Solicitors.

The Licensing Officer, David Eglin, then introduced the report.

Mr McConnell then presented the applicant's case stating that the premises had been the subject of a number of failed test purchases where counterfeit tobacco was sold.

The Police then presented their case and gave evidence that when a warrant was executed at the premises, a person was working who had no authorisation or training in place and that documentation was missing in breach of licence conditions. PC Brady then gave evidence on community impact.

The Premises Licence Holder then presented its case.

The Sub-Committee then withdrew to make its decision, and sought advice from its Legal Adviser as to the appropriate phraseology of the decision.

DECISION

The Sub-Committee has carefully considered all the written information before it, and the representations today.

The application relates to a review of the premises licence for Morecambe Off Licence, 34 Queen Street, Morecambe. The holder of the licence is Morecambe Off Licence Ltd, however the sole director of that company, and therefore the controlling mind, is Mr Osman Said. Mr Said is also the Designated Premises Supervisor.

A number of offences have been admitted to by the Premises Licence Holder including the storage and supply of smuggled tobacco. The Guidance to the Licensing Act 2003 is clear and states that criminal activity of this nature is to be treated particularly seriously.

In addition to this the Premises Licence Holder has consistently failed to comply with the conditions of its premises licence with regard to record-keeping. Worryingly, an individual with no authorisation or proper training has been allowed to work in the shop selling age restricted products.

Given the number of test purchases by Trading Standards and visits by the Police the Sub-Committee have no confidence that the company is capable of upholding the crime prevention licensing objective. It has effectively used the licensed premises as a source of criminal activity and the existence of the premises licence has allowed the company to do this.

The Premises Licence Holder has suggested that the imposition of conditions and a suspension would be the correct mechanism for remedying the problems, however the Sub-Committee do not agree. The Sub-Committee do not accept that Mr Said did not fully understand the licensing laws and requirements. He is a personal licence holder and has therefore been on a recognised training course.

The Sub-Committee feel that the revocation of the premises licence is an appropriate and proportionate step in the circumstances given the mismanagement at the premises, the disregard for licensing conditions and the undermining of the crime and disorder licensing objective.

In accordance with Section 181 and Schedule 5 to the Licensing Act 2003, the parties have a right of appeal against this decision within 21 days from receiving this written decision. This decision will not have effect until after the period allowed for appeal, or if appealed, until that appeal has been disposed of.

**Any queries regarding this Decision Notice, please contact
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