

**LICENSING REVIEW SUB-COMMITTEE
1 AUGUST 2012**

Present: Councillors Cartwright, Dowling (in the Chair) and Finch
with Councillor Sinden in reserve.

1. APPOINTMENT OF CHAIR

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Cartwright moved that Councillor Dowling should take the Chair. This was seconded by Councillor Finch.

**RESOLVED (unanimously) that Councillor Dowling be appointed
as Chair for the duration of the meeting.**

2. MINUTES

**RESOLVED – That the minutes of the meeting held on 20 March
2012 be approved and signed by the Chair as a true record.**

3. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

**4. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE:
IDEAL MINI MARKET, 61 QUEENS ROAD, HASTINGS**

Councillor Dowling set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this.

The Corporate Director, Environmental Health, submitted a report on an application for the review of the premises licence for Ideal Mini Market, 61 Queens Road, Hastings.

Mr Brown, Licensing Manager, presented the report.

Mr Aub Mahmud, the premises license holder, was present.

Wendy Scott, Senior Trading Standards Officer, East Sussex County Council Trading Standards Service, who brought the review was present, she informed the Committee that an inspection of Ideal Mini Market took place on 12th January 2012, as part of Operation Mistletoe. Two Trading Standards Officers visited the shop and found thirty bottles of Blossom Hill wine and two bottles of Jacobs Creek wine for sale in the shop. The bottles were seized for further examination. The trademark brand holders confirmed these bottles were counterfeit. In addition, four hundred and eight suspect bottles of Italian wines were also seized and a selection were sent off for further examination

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by the Public Analysis. The bottles were suspected as being counterfeit due to spelling errors on the labels of bottles; duplicated lot codes for different products and some bottles contained floating particles. The legislation alleged to have been breached is the Trade Marks Act 1994, The Consumer Protection from Unfair Trading Regulations 2008, Food Safety Act 1990, General Food Regulations 2004, The Food (Lot Marketing) Regulations 1996, EC1234/2007 and EC607/2009.

Wendy Scott said that attempts had been made to contact the Italian producers to confirm the name and address details on the labelling. The letters were returned as bearing insufficient address details. None of the remaining producers have confirmed or verified the validity of the addresses printed on the labels. The Public Analyst reported that of the samples of Italian wine tested, 7x contained less alcohol than the amount stated on the label and 4x were noted not to bear lot codes. Mrs Scott went on to say that at the time of the inspection to Ideal Mini Market, Mr Mahmud was asked to produce invoices to verify the purchase of the Italian wines, he was not able to produce any as requested.

Mr Barnaby Brown, Senior Trading Standards Officer, East Sussex County Council Trading Standards Service was present, he reiterated the fact that it is important to be able to trace the original source of the wines by name and address and barcode. In response to another request for traceability records, Mr Mahmud provided invoices from the supplier dated 28/07/2010, and 23/09/2010, detailed on pages 32 and 33 of the agenda. Mr Mahmud stated that the stock seized was brought by the previous owner.

Mr Barnaby Brown said that the names on the licence summary displayed in the shop were incorrect and that the names had been crossed through on the summary. Mr Mahmud confirmed the named people on the licence were not employed at the shop.

In his submission, Mr Mahmud informed the committee that he did not know he needed to display his premises licence summary. Mr Mahmud confirmed he did not have a personal licence it was still being processed. He said he contacted the supplier of the invoice dated 2010 who said that he did not send wine to premises. Mr Mahmud said the supplier just put Italian wine on the invoice as he knew it was no good.

Councillor Cartwright asked Mr Mahmud to provide evidence that he was the owner of Ideal Mini Market. Mr Mahmud said he had the lease of the premises and premises licence. Mr Brown explained that Mr Razai the premises licence holder had signed the consent and it was then to be transferred to Mr Mahmud. Mr Mahmud did not transfer it into his name.

Councillor Finch asked Mr Mahmud if he had any training since he had taken over the shop. Mr Mahmud said no, just what Mr Hassan had explained to him, how to sell and buy.

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Mr Bob Brown confirmed the shop must have a premises licence for the sale of alcohol and all licence premises selling alcohol must have Designated Premises Supervisor (DPS) at all times, they must ensure any one selling alcohol is authorised by them to do so. The DPS must hold a personal licence issued by a licensing authority. .

Mr Brown, Licensing Manager presented a timeline of the administration matters connected to the Ideal Mini Market . Mr Hassan had been involved with the premises licence since the first application and he was currently still the DPS..

Councillor Finch asked if vetting took place, or if anyone could take over the premises. Bob Brown confirmed CRB checks were undertaken by persons applying for personal licences and the police could challenge a licence application.. The DPS must pass an accredited BII course, which Mr Hassan had passed.

In her summary, Wendy Scott said that the wines were untraceable, smuggled and as a result there has been a significant breach of the legislation. Mr Mahmud was the owner of the shop at the time the wines were on sale, therefore, he has responsibility for the products sold.

RESOLVED (unanimously) that, the licence be revoked subject to the following reason:

The Committee have listened very carefully to the evidence before it. It is clear that the licensing objective of the Prevention of Crime and Disorder has been seriously undermined. It is clear that counterfeit alcohol was being offered for sale in large quantities.

The Committee have had regard to the guidance issued by the Secretary of State in particular Sections 11.29 and 11.30 and its own policy.

(The Chair declared the meeting closed at 3.34pm)