

Licensing Committee
26 FEBRUARY 2024

Present: Councillors: Nick Grant (Vice-Chairman), Richard Landeryou and Josh Potts

LI/12 **MINUTES**

The minutes of the meeting held on 18 December were approved as a correct record and signed by the Chairman.

LI/13 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/14 **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

The application for the review of a Premises Licence had been submitted by West Sussex County Council (WSCC) Trading Standards on 11 January 2024 under section 51 of the Licensing Act 2003. The application related to the licence held by Mr Harinder Singh Anand for his premises trading as Choice of Horsham, 1 Park Way, Horsham, West Sussex RH12 1DP.

The Licensing Officer presented the report, which set out details of the events that led up to the application. WSCC Trading Standards believed that the premises had been conducting criminal activity, including the storage and supply of illicit tobacco and oversized non-UK compliant vapes that cannot legally be supplied in the UK.

The applicant considered that the following licensing objectives had not been met:

- Prevention of Crime and Disorder; and
- Public Safety

Responsible Authorities: Sussex Police and Public Health supported the review request by Trading Standards. One representation had been received from a member of the public, who spoke at the hearing. He was against the review, visited the premises regularly and had never witnessed any criminal activity taking place. There had been no further consultation responses from other responsible authorities.

The Sub Committee heard from the applicant who by way of background, advised of a national crackdown and joint approach between Trading Standards and HMRC known as 'Operation CC' to tackle the illegal trade in tobacco which

is costing the treasury over £2 billion a year in tax evasion, harming legitimate businesses and presenting a danger to public health. He outlined the events and history of non-compliance at the premises and reported that during an inspection in October 2023, a sniffer dog and handler found and seized the oversized vapes and illicit tobacco. He felt that the licensing objectives were not being met and to limit further criminal activity the licence should be revoked.

The Sub Committee then heard from Mr S Panchal of Personal Licence Courses UK Ltd, a representative of the Premises Licence holder. He gave an account that the licence holder was unaware that the legal goods were stored on the premises and that possession of these products was an offence. He informed the committee that the member of staff aware of the illegal products had now left the company and country. Following the incident the premises holder had ensured that all areas of the premises had been checked and tidied to ensure compliance, CCTV was up to date and staff records and training were completed.

The Chairman and members of the Sub Committee considered the statements and responses from the Premises Licence holder and the applicant, and all the evidence presented in the appendices to the report. Further questions were raised to gain clarity.

The Chairman invited the Sub Committee to move to private session to deliberate.

The Licensing Sub Committee considered their decision under the following licence objectives, as required under the Licensing Act 2003:

- Prevention of Crime and Disorder
- Public Safety

The Licensing Sub Committee also had regard to the Secretary of State's guidance issued under section 182 of the Licensing Act 2003, the Equality Act 2010 and Horsham District Council's Statement of Licensing Policy.

RESOLVED

- i. To suspend the alcohol licence for a period of three calendar months
- ii. The existing licensing conditions (as amended in May 2023) remain in place with the addition of the following condition:
 - i) The DPS must attend the premises at least 4 days a week and document such attendances.

REASON

Under its statutory powers, the sub committee decided to suspend the licence for the maximum available period of 3 months. The decision was based on the

clear failure by the Premises Licence Holder to promote the two licensing objectives:

- i. Prevention of Crime and Disorder
- ii. Public Safety

This was by virtue of the evidence obtained on inspection by the Responsible Authority demonstrating criminal activity on the premises with the storage of illicit tobacco and oversized non-UK complaint vapes (of which cannot be legally supplied in the UK).

The Sub Committee felt that the maximum 3 month period of suspension was both proportionate and reasonable in the circumstances given the nature and seriousness of the criminal activity on the premises.

The Chairman advised Mr Anand that the Sub Committee had found his management of the business unsatisfactory. He had serious responsibilities to be aware of what was going on at the premises even if he was not there, to ensure the safeguarding of the community.

RIGHT OF APPEAL

There is a right to appeal the Sub Committee's decision through an appeal to the Magistrates' Court. The right are set out in the Licensing Act and parties are reminded that an appeal must be commenced within 21 days of notification of the decision to a relevant party.

The Sub Committee's decision will not come into effect until the end of the period for appealing the decision or after any appeal has been heard.

The meeting closed at 12.32 pm having commenced at 10.20 am. The meeting adjourned at 11.40 am for approximately 50 minutes.

CHAIRMAN