

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Wednesday, 6 November 2013

COUNCILLORS PRESENT: Councillors Hibbert, Duncan and Ford

OFFICERS: Bill Edwards (Senior Licensing Officer)
Mohammed Rahman (Solicitor)
Nathan Birch (Democratic Services Officer)

FOR THE APPLICANT: Paul Maylunn, Trading Standards

**FOR THE LICENCE
HOLDER:** Giedrius Ribokas

1. PREMISES LICENSE REVIEW - PERESTROYKA, 351 WELLINGBOROUGH ROAD, NORTHAMPTON NN1 4ER

2. NOMINATION OF CHAIR

Councillor Hibbert was elected Chair for the meeting.

3. INTRODUCTION - LICENSING OFFICER

Bill Edwards, Senior Licensing Officer, explained that on 13th September 2013 an application for Review of the Premises Licence in respect of Perestroyka, 351 Wellingborough Road, Northampton, had been received from Northamptonshire county Council Trading Standards. The application had been received on the grounds of the Licensing Objectives, namely the Prevention of Crime and Disorder. Evidence to support this review was supplied by Trading Standards. Obligatory Notices, with regard to the requested review, were displayed on the premises.

Mr Edwards explained that Mr Paul Maylunn, Section Manager with the service, would represent Trading Standards and put forward the case for review. An opportunity for all parties to ask questions of Trading Standards would then be available, before Mr Giedrius Ribokas the owner of the business, would respond to the review. Again an opportunity for questions would be given. Both parties would have the opportunity to sum up before the sub-committee retired to consider their decision.

4. PRESENTATION BY THE APPLICANT - TRADING STANDARDS

Mr Maylunn explained that he wished to outline the case and reasons for the Review in open session, but in light of any potential prosecutions he requested that as per the Licensing Act 2003, Section 14(2), the public be excluded for the remainder of the evidence.

Trading Standards had called for a Review of the Premises Licence as they did not believe the Licensing Objective regarding the Prevention of Crime and Disorder was being upheld. Trading Standards officers had visited the premises on five occasions between 29th January 2013 and 29th August 2013 and found the premises on each occasion to be selling cigarettes that they believed to be counterfeit and/or smuggled. On their last two visits during this period in July 2013 and August 2013, Trading Standards had also seized DVD's which did not carry a British Film Classification. The details of each visit and seizure were outlined in the papers. Trading Standards believed that both the tobacco and DVD were clearly illegal. These sales would have a significant effect on local business, including the loss of parallel sales, a loss of revenue to Customs and Excise and an increase in public health issues from the sale of cheaper tobacco.

4A PRESENTATION BY THE APPLICANT - TRADING STANDARDS (PART II)

RESOLVED: To exclude the public under Licensing Act 2003, Section 14(2) for the remainder of Mr Maylunn's evidence and the response from the Licence Holder.

5. PRESENTATION BY THE LICENCE HOLDER

6. SUMMARIES

Applicant –Trading Standards

Mr Maylunn summarised the case for the review. He outlined there had been a series of incidents, with the Licence Holder receiving copies of each notice served from the staff at the premises. Subsequent visits and warrants were part of the on-going investigation. The Licence Holder had made no direct contact with Trading Standards, but there would be a formal interview next week. There was clear evidence of criminal sales from the premises. The sub-committee attention was drawn to the Home Secretary's guidance under S182 of the Licensing Act 2003, were such activity was deemed enough to warrant serious consideration of revocation of the Premises Licence. Mr Maylunn did not see what conditions could be applied in this case and submitted that such action was required in this case.

Licence Holder – Mr Ribokas

Mr Ribokas summarised his response as Licence Holder. He agreed the tobacco had been found, but this had been the action of staff who had since been dismissed. He had been away during the Trading Standards visits, but would have acted if informed earlier. He was now the full time manager and choosing his staff very carefully. He guaranteed that the illegal sales would not happen again. He believed revocation would force the closure of his business, with the loss of seven jobs. He reminded the sub-committee that there had been no issues with the sale of alcohol; indeed the premises had passed its test purchases regarding age related sales. The whole issue had been a big lesson learned and one that would not be repeated. He requested that the licence be left in place.

7. DECISION

The Chair explained the reasons for the Sub-Committee decision in the case of the Licence Review of Perestroyka, 351 Wellingborough Road, Northampton.

The Sub-Committee had considered the Review of the Premises Licence which had been called for by the Northamptonshire County Council, Trading Standards Department on the grounds of the Prevention of Crime & Disorder. The Sub-Committee had considered all the arguments raised by Mr Paul Maylunn from Trading Standards and from Mr Gledrius Ribokas representing East Food Import Limited.

The Sub-Committee had noted the incidents recorded, and the serious concern raised about the activities taking place at the premises and the impact these activities had on the licensing objectives, namely the Prevention of Crime and Disorder.

Due to the number of the incidents taking place, and the high quantity of illegal items being seized, the Sub-Committee had serious concerns that Mr Ribokas, as the owner and the Designated Premises Supervisor, had not prevented these activities from taking place and therefore had failed to uphold the Licensing Objective of, Prevention of Crime and Disorder.

The Sub-Committee had considered all the submissions made, and also considered the Section 182 Guidance of The Licencing Act 2003, in particular, points 11.26 and 11.27, which stresses the serious nature of criminal activity at licensed premises, including the sale of smuggled tobacco.

RESOLVED That based on the information provided at the hearing and the guidance issued by the Home Secretary, the Sub-Committee believes that the Licensing Objective of the Prevention of Crime and Disorder is being undermined and Mr Ribokas has provided minimal evidence of his promoting this objective. Therefore, the Premises Licence for Perestroyka, 351 Wellingborough Road, Northampton be revoked.

The decision to take effect 21 days after the service of the Decision Notice. All parties have the right to appeal this decision to the Magistrates Courts within 21 days.

RESOLVED To maintain Part II of the Trading Standards evidence and the evidence of the Licence Holder, as exempt from publication, by virtue of Schedule 12(7) of the Local Government Act 1972.

The meeting concluded at 1:08 pm

Minute Item 4a

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Minute Item 5

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted