

## MINUTES OF LICENSING PANEL MEETING - THURSDAY, 26 MARCH 2015

### **Present:**

Councillor (in the Chair)

Councillors

Cox

Hunter

O'Hara

### **In Attendance:**

Sharon Davies, Head of Licensing Service

Bernadette Jarvis, Democratic Services Senior Adviser

### **1 APPOINTMENT OF CHAIRMAN**

**Resolved:** That Councillor Hunter be appointed Chairman for the meeting.

### **2 DECLARATION OF INTEREST - LICENSING**

There were no declarations of interest on this occasion.

### **3 PROCEDURE FOR THE MEETING**

The Chairman explained the procedure for the meeting including the allocated time limit of thirty minutes for all parties.

### **4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- POLISH SHOP, 239 DICKSON ROAD**

The Panel considered an application for a review of a premises licence for the Polish Shop on the grounds of prevention of crime and disorder and public safety.

Mr Marshall, Licensing Health and Safety Enforcement Manager, presented the application for review on behalf of Weights and Measures and made representations on behalf of Health and Safety. Following agreement by the Panel, Mr Petrak, Legal Officer, Public Protection also made representations to the Panel.

Ms Gawecka, premises licence holder, attended the meeting represented by Ms Faud, Napthen's Solicitors. Ms Faud made representations to the Panel on behalf of Ms Gawecka.

The Panel carefully considered all the written evidence before it including the additional information that had been submitted on behalf of the licence holder and by Mr Marshall after the Agenda had been despatched. It also noted the written representation from a member of the public although accepted that there was no evidence to support the assertions made.

The Panel had regard to the Revised Guidance under section 182 of the Licensing Act 2003.

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The Panel noted the resignation of the Designated Premises Supervisor (DPS) on 9<sup>th</sup> March 2015 and that no new DPS had been appointed to date. It also noted that an application for the transfer of the premises licence to Ms Gawecka had been received on 20<sup>th</sup> March 2015. The Panel also noted that the premises was situated in a cumulative impact area.

The Panel noted the representations made by Mr Marshall and Mr Petrak in relation to the circumstances surrounding the sale of illicit tobacco from the premises on 30<sup>th</sup> September 2014 and 8<sup>th</sup> January 2015. The Panel also noted a further incident that had occurred at the premises on 23<sup>rd</sup> March 2015 whereby alcohol had been purchased in the absence of a DPS which was contrary to the mandatory conditions of the Premises Licence.

The Panel noted the representations made by Ms Faud on behalf of Ms Gawecka, in particular the reassurances given as regards future management of the premises. It also noted that one of the incidents of sale of illicit tobacco had occurred prior to Ms Gawecka being employed at the premises. It accepted that Ms Gawecka had not been employed in a managerial capacity at the time of the second sale of illicit tobacco but was satisfied that she had been involved with the premises at the time that the incident had occurred. Members also considered Ms Faud's representations regarding the incident involving the sale of alcohol in the absence of an appointed DPS. However, it noted that this incident had taken place since the premises licence had been transferred to Ms Gawecka and on the balance of probability it did not accept that it was a one-off incident and could therefore not be satisfied that similar instances would not occur in the future. The Panel was mindful of the seriousness of the offences and the significant risk to public safety, particularly as the premises was located in a cumulative impact area.

Following careful consideration of all the evidence before it, the Panel was not satisfied that the future management of the premises would promote the licensing objectives and therefore considered that it was appropriate and proportionate to revoke the premises licence.

**Resolved:** That the Premises Licence for the Polish Shop be revoked.

### Chairman

(The meeting ended 11.20 am)

Any queries regarding these minutes, please contact:  
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