

## Licensing Sub-Committee

Tuesday, 27th February, 2018

**PRESENT:** Councillor G Hyde in the Chair

Councillors M Harland and G Wilkinson

### **1 Election of the Chair**

**RESOLVED** – That Councillor Hyde be elected as Chair for the duration of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **4 Late Items**

There were no late items.

### **5 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **6 Review of the Premises Licence for Krakow Mini Market (formerly Continental Foods), 35 Town Street, Armley, Leeds, LS12 1UX**

The report of the Head of Elections, Licensing and Registration informed Members of an application to review a Premises Licence under Section 51 of the Licensing Act 2003, sought by West Yorkshire Trading Standards in respect of Krakow Mini Market (Formerly Continental Foods), 35 Town Street, Armley, Leeds, LS12 1UX.

Members were informed the Premises Licence Holder was Mr Arman Solymani who was also the Designated Premises Supervisor. Mr Arman Solymani was present at the hearing.

The application for review of the premises licence was made on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm.

Members heard the grounds for this review centred on the premises dealing in illegal tobacco products. The main issues for the review were set out at point 6.0 to 6.10 of the submitted report.

Members noted that witness statements had been provided with the papers for the meeting.

Two officers from West Yorkshire Trading Standards Service (WYTSS) were present at the meeting.

WYTSS explained to the Sub-Committee that these premises had been a problem premises since 2015. Members were informed that intelligence received suggested that the premises were dealing in illegal tobacco. Officers from WYTSS had visited the premises on a number of occasions and also conducted test purchases.

Members were informed of the following points:-

- On 30/03/17 Officers from WYTSS carried out an inspection of the shop and found 3200 illegal cigarettes;
- On 26/09/17 officers from WYTSS carried out a test purchase and was sold a 50g packet of Golden Virginia tobacco for £13 which normally retails much higher;
- On 28/09/17 officers from WYTSS carried out an inspection of the shop where 1220 illegal cigarettes were found concealed in the wall and in a bag in the bin outside the back of the shop;
- Some of the tobacco products were foreign labelled and non UK duty paid and did not bear the statutory health warnings:
- Some of the tobacco products confirmed to be counterfeit in contravention to the Trade Marks Act 1994:
- Complaints received in relation to illegal tobacco products goes back to 2015 prior to Mr Solymani's ownership of the premises;
- WYTSS believed that Mr Solymani was leasing the premises and was the DPS. WYTSS said that they had been unable to contact the premises owner;
- Complaints had been received from legitimate businesses.

In response to Members questions and comments the following points were made:-

- The penalties imposed by the courts did not deter offenders from continuing to sell illegal tobacco products;
- Selling illegal tobacco products was a big problem and WYTSS had limited resources to deal with the problem;
- Test purchases using children had not been undertaken at Krakow Mini Market;
- Standard procedure is for written warning letters had been sent after all incidents;
- Next steps would be enforcement;
- There was no evidence to suggest that illegal alcohol was being sold from the premises.

Mr Solymani informed the Sub-Committee that he had not concealed the tobacco when WYTSS had come into his premises.

Mr Solymani said he was the leaseholder and the owner of the business. He explained that he could not be held responsible for inspections undertaken in 2015 when it was not his business.

Mr Solymani told the Sub-Committee that he had not been at the premises when the tobacco was discovered behind the wall.

Mr Solymani informed the Members that if his staff had sold illegal tobacco he was not aware of this. He advised the Sub-Committee that the two part-time staff who had been selling illegal tobacco had now been sacked.

Members were informed that the store opened between 8:00am and 9:00pm. It was noted that alcohol formed 50% of the stores sales.

Mr Solymani explained that the tobacco had been bought from a customer who came from abroad, Mr Solymani was of the opinion it was “not too much” to sell illegal tobacco.

Mr Solymani asked for a chance to continue with his business, he did not want to lose his licence.

The Chair explained to Mr Solymani that it was illegal to sell tobacco without duty being paid or without health warnings. He went on to say that as owner Mr Solymani should be aware of what his staff were doing and that appropriate training should be given to staff.

It was noted that this was the only shop owned by Mr Solymani.

Members carefully considered all the evidence presented to them.

**RESOLVED** – To revoke Mr Solymani’s Premises Licence.