

Meeting Commenced:	10:00
Meeting Adjourned:	10:10
Meeting Reconvened:	10:30
Meeting Adjourned:	10:35
Meeting Reconvened	10:50
Meeting Adjourned:	10:55
Meeting Reconvened:	11:40
Meeting Adjourned	12:30
Meeting Finished:	12:50

## **GENERAL LICENSING SUB-COMMITTEE**

### **18 September 2018**

Present: Councillors Potter, Keith & Peatfield  
 Officers: Lucie Keeler (Legal Services)  
 Sandra Mansell (Licensing Team Leader)  
 Owen Rees (Trading Standards Officer)

### **16/18 Appointment of Chair**

**Resolved to appoint Councillor Potter as Chair of the General Licensing Sub Committee.**

### **17/18 Apologies**

There were no apologies for absence.

### **18/18 Late Items to be Introduced by the Chair**

There were no late items.

### **19/18 Declarations of Interest**

Cllr Peatfield declared an interest as Zielona Zabka is in her ward

### **20/18 Application for a review of a premises licence at: Zielona Zabka, 15 – 17 Sinfin Lane, Derby, DE24 9GP**

The Sub-Committee has considered an application for the review of the Premises Licence for Zielona Zaabka, 15–17 Sinfin Lane, Derby, DE24 9GP.

Several adjournments were called whilst every effort was made to contact the applicant. Time was then allowed for the applicant to travel to the Council House and read the papers.

The sub-committee has heard evidence from: Sandra Mansell (Licensing Team) and Owen Rees (Trading Standards) and Mr Latif (premises licence holder) and has taken into account the verbal and written representations received.

## Decision

In making its decision, the Sub-Committee has had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and has carefully considered all the evidence presented to it.

The Sub-Committee has made this decision to promote the 4 Licensing Objectives:

- (a) Prevention of crime and disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;
- (d) Protection of Children from harm.

## Findings

The application for review was made by the Derby City Trading Standards Department as a responsible authority. Derby City Trading Standards Department provided relevant representations relating to the licensing objectives of crime and disorder and the protection of children from harm. The evidence which was presented showed that Mr Latif had twice been prosecuted for the sale of illicit tobacco and once for the sale of illicit alcohol in 2016 and 2018 which occurred at the licensed premises. The sub-committee find, on balance, that the licensing objective of prevention of crime and disorder and the protection of children from harm has not been upheld, and the sub-committee have no confidence that such behaviour would not continue given the evidence provided by Derby City Trading Standards Department.

Zielona Zabka is a licensed premises on Sinfin Lane in Derby, the licence allows for the sale by retail of alcohol (off) the premises. In addition to this the premises also sells cigarettes and European food. Mr Latif has been involved with the licensed premises since 2013.

At the time of the conviction in June 2018 Mr Latif was the premises licence holder (PLH) and the designated premises supervisor (DPS), as part of his sentence the court imposed a three month suspension of his personal licence which meant that he could not act as a DPS during this time.

There had been an attempt in July 2018 to transfer the premises licence to his wife, however this application was not successful, as such Mr Latif remains the PLH. Ismahel Saber has been appointed as the new DPS from 18 July 2018 this meant that alcohol could continue to be sold from the premises.

That Mr Saber, the new DPS is a friend of Mr Latif's and is not currently working at the shop but works at another shop. Mr Latif hopes that he will soon be able to work at the shop which is currently being run by Mr Latif, his wife and mother in law.

The Sub-Committee has RESOLVED to:

## **Revoke Premises Licence PL10551037.**

The reasons for this decision are as follows:

Having taken into account the 4 licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the council's licensing policy and the Human Rights Act, the Sub-Committee sought to balance the interests of the applicant and the representations made by the responsible authority and the licence-holder.

The sub-committee find that the way in which the licensing objectives have been undermined justifies the interference with the Premises Licence in this case.

Mr Latif as the PLH had demonstrated significant errors of judgement in having within his control on the premises on 9 March 2016 counterfeit tobacco and illicit alcohol and 26 January 2018, counterfeit and illicit products, the significance of which impacted on the licensing objectives detailed at 4(a) and (d), above. The sub-committee was not satisfied with the explanation given by the Mr Latif for having within his control at the material time the counterfeit and illicit products i.e. did it due to pressure from customers and were for his own personal use.

Despite a new DPS being appointed to the premises the sub-committee are of the view that this would not affect any change in the running of the premises and that Mr Latif would continue to remain the controlling mind given his comments today on the current management of the licensed premises.

The sub-committee has no confidence that the licensing objectives would not be undermined without revocation of the Premises Licence in this case, given the evidence presented. Lesser sanctions were considered, but discounted, by the Sub-Committee as being either wholly inappropriate or ineffective, given the findings made.

MINUTES END