

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 28 January 2020 at 10.00 am

Present: Cllr D Butler, Cllr B Dion and Cllr D A Flagg

Also in attendance: Cllr G Farquahar, Cllr D Kelsey – both observing

92. Election of Chairman

**RESOLVED that Cllr D Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.**

93. Apologies

Apologies were received from Cllr N Decent. Cllr Decent was replaced as a member of the Sub Committee by original reserve member, Cllr B Dion. Cllr D Kelsey was in attendance as the new reserve member.

94. Declarations of Interests

There were no declarations of disclosable pecuniary interests or other interests.

95. Review of Premises Licence - Polski Sklep, 17 Lansdowne Road, Bournemouth BH1 1RZ

The Chairman made introductions. He outlined the procedure to be followed in considering the review application and this was agreed by all parties.

Before considering the review the Sub Committee was asked whether to accept four late representations received in support of the previous premises licence holder, Mr Saman Adil. The objection of the Dorset Police representative to allowing the representations at this stage was noted. The Sub Committee did not agree to accept the late representations. It was noted that additional information had been circulated to all parties in advance by Dorset Police, this had expanded on information already included in the Police's application for review.

The Senior Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The Sub Committee was asked to consider an application by Dorset Police to review the premises licence for

Polski Sklep, 17 Lansdowne Road, Bournemouth BH1 1RZ, on the grounds that the premises was not upholding the prevention of crime and disorder licensing objective as the premises was involved in the sale and storage of smuggled tobacco. Within the consultation period one representation in support of the review had been received from a nearby business.

Correspondence between Dorset Police, the Licensing Authority and Mr Adil's legal representative regarding the imminent sale of the premises was included at Appendix 4 of the report. The Senior Licensing Officer confirmed that the premises licence had now been transferred from Mr Adil to Mr Che-Hui Tsang. Mr Tsang was also the new Designated Premises Supervisor. Mr Tsang was now operating the premises as a Chinese Supermarket.

The following persons attended the Sub Committee and gave verbal evidence based on the written submissions:

- Sergeant Gareth Gosling, on behalf of the Chief Officer of Dorset Police, the applicant.
- Mr Saman Adil, premises licence holder at the time the application for review was made.
- Mr Che-Hui Tsang, new owner of the premises and current premises licence holder and designated premises supervisor.

Members of the Sub Committee asked various questions to all parties present during the hearing. All parties were given the opportunity to ask questions of one another.

During the hearing the following points in relation to the premises licence were clarified:

- Mr Adil no longer had any involvement with the premises, following the sale of the premises and transfer of the premises licence to Mr Tsang.
- None of the stock from Polski Sklep had transferred with the sale of the premises to Mr Tsang.
- Mr Tsang's premises did not sell tobacco or cigarettes.
- Mr Tsang was an existing premises licence holder for a Chinese supermarket in Winton and intended to operate his new premises on similar lines. The sale of alcohol was limited to mainly specialist and premium Chinese brands, and formed a very small part of the business, most of which comprised the sale of Chinese groceries and snacks.
- Some of the conditions of the existing premises licence needed reviewing as they related specifically to the operation of the premises as Polski Sklep.

All parties had the opportunity to sum up, before the Sub Committee retired to make its decision.

**RESOLVED that having heard representations from the Police, Mr Adil the previous licence holder and Mr Tsang the current licence holder, and having considered the relevant policy and legislation the Sub Committee has decided to suspend the current premises licence for three months to allow Mr Tsang to apply to vary the existing licence.**

Reason for Decision:

The Sub Committee was concerned by the problems that had occurred last year, however it noted that the premises are now under new ownership, the licence has been transferred, the nature of the operation is significantly different, and that Mr Adil no longer has any involvement with the business or licence. The reason that the licence has been suspended is that it does not reflect the current business under Mr Tsang and needs substantial amendment.

Should the licence be varied successfully within the three-month period it may be reinstated within that time.

The Legal Advisor to the Sub Committee advised all parties of the right of appeal against the decision, which may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified in writing of the decision.

96. Review of Premises Licence - D&A Mini Market, 733 Christchurch Road, Bournemouth BH7 6AQ

The Chairman made introductions. It was noted that Mr Bakhtiyar Ali Mohammed, the premises licence holder, was not in attendance or represented at the hearing. There had been no contact from Mr Mohammed regarding the review or his attendance at the hearing. The Legal Advisor to the Sub Committee referred members to the provisions in Section 20 of the Hearing Regulations relating to failure of parties to attend the hearing. Having regard to these provisions the Sub Committee agreed to hold the hearing in Mr Mohammed's absence.

The Senior Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book. The Sub Committee was asked to consider an application by Dorset Police to review the premises licence for D&A Mini Market, 733 Christchurch Road, Bournemouth BH7 6AQ, on the grounds that the premises was not upholding the prevention of crime and disorder licensing objective due to its involvement in the sale and storage of smuggled tobacco. The Senior Licensing Officer advised that the Licensing Authority had received no contact from the premises licence holder since serving the notice of review on 27 November 2019.

It was noted that additional information had been circulated to all parties in advance by Dorset Police, this had expanded on information already included in the Police's application for review.

The following persons attended the Sub Committee and gave verbal evidence based on the written submissions:

- Sergeant Gareth Gosling, on behalf of the Chief Officer of Dorset Police, the applicant.

During the hearing the following points in relation to the premises licence were clarified:

- That on two separate intelligence led operations a large quantity of smuggled cigarettes and tobacco associated with the premises was seized, as follows: on 20 June 2019, 11,580 cigarettes and 3.38 kgs of hand rolled tobacco, and on 14 November 2019, 8,340 cigarettes and 2.25kgs hand rolled tobacco.

Members of the Sub Committee had the opportunity to ask questions, before retiring to make their decision.

**RESOLVED that having heard representation from the Police, and there being no representation from the premises licence holder, and having considered the relevant policy and legislation, in particular paragraphs 11.27 and 11.28 of the Revised Guidance issued under section 182 of the Licensing Act, the Sub Committee has decided to revoke the premises licence with immediate effect on the grounds of undermining the prevention of crime and disorder licensing objective.**

Reason for decision:

1. The fact that two separate visits to the premises by the Police, HMRC and Trading Standards resulted in a large seizure of illegal cigarettes and tobacco.
2. The sheer volume of the goods seized.
3. The Sub Committee has no confidence that this illegal activity will not happen again, as there have been no representations either in writing or in person from premises licence holder.

The Legal Advisor to the Sub Committee advised of the right of appeal against the decision, which may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified in writing of the decision.

The meeting ended at 11.34 am

CHAIRMAN