

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 1 DECEMBER 2017

ROOM G90, HOVE TOWN HALL

MINUTES

Present: Councillor Morris (Chair); Deane and Simson

Officers: Jim Whitelegg (Licensing Manager); Rebecca Sidell (Lawyer) and Caroline DeMarco (Democratic Services Officer).

PART ONE

56 TO APPOINT A CHAIR FOR THE MEETING

56.1 Councillor Morris was appointed Chair for the meeting.

57 WELCOME & INTRODUCTIONS

57.1 All parties were welcomed to the meeting and everyone present introduced themselves.

58 PROCEDURAL BUSINESS

58a Declaration of Substitutes

58.1 There were none.

58b Declarations of Interest

58.2 There were none.

58c Exclusion of the Press and Public

58.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

58.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of Item 59.

59 REQUEST FOR REVIEW OF PREMISES LICENCE, INTERNATIONAL FOOD & WINE, 17 PRESTON ROAD, BRIGHTON

59.1 The Panel considered a report of the Executive Director, Neighbourhoods, Communities and Housing in relation to an application for a review of a Premises Licence for International Food & Wine, 17 Preston Road, Brighton. Present at the hearing were: Duncan Craig, Barrister for International Food & Wine; Muslum Donmez, leaseholder, Heydar Pashazade, Premises Licence Holder; M Kilic, Narts Britain Ltd; Peter Savill, Police Barrister representing Sussex Police; David Bateup, Police Licensing Officer, Catriona Macbeth, Senior Fair Trading Officer; Donna Lynsdale, Licensing Officer/Fair Trading Officer; Philip Wells, London Road, Area Local Action Team.

Introduction from the Licensing Officer

59.2 The Licensing Officer highlighted the following:

- Sussex Police called for a review of the premises licence on 6th October 2017 on the basis that the licensing objectives had been seriously undermined, in relation to the prevention of crime and disorder, public safety and the protection of children from harm. Full details were set out in the application for a review on pages 24 to 43 of the agenda. There were five representations supporting the review of the licence. These were set out on pages 46 to 59 of the agenda and were from the Licensing Authority, Trading Standards, a Local Action Team and local residents. The licence was transferred to the current licence holder, Heydar Pashazade on 18th July 2017. A minor variation to the conditions had recently been approved, but this had not included the revised plan which was not agreed.
- Police supporting evidence was set out on pages 63 to 118 of the agenda. Trading Standards supporting evidence was set out on pages 119 to 144 of the agenda. Supporting evidence for the premises was set out on pages 145 to 290.
- Where the Licensing Authority considered that action under its statutory powers was necessary it could take the following steps:
 - Modification of licence conditions – adding, modifying or removing conditions
 - Exclusion of a licensable activity – this could include limiting hours or activities in all or part of the premises
 - Removal of a designated premises supervisor
 - Suspension of the licence for a period not exceeding 3 months
 - Revocation of the licence
 - Or do nothing
- It was expected that the local authority should seek to establish the cause for concern and take remedial action to deal with these causes. Any action taken should be proportionate and appropriate.
- 11.27 of the guidance stated that “There is certain criminal activity that may arise in connection with licenced premises which should be treated particularly seriously”
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- The Council’s Licensing Enforcement Policy has adopted the approach set out by the Home Office and DCMS document entitled “Problem Premises on Probation - Red and Yellow Cards; How it would work”. The document sets out to encourage partnership working in identifying problem premises and lists steps to be taken in

first and second intervention measures together with a list of possible tough conditions. First intervention may be suspension with conditions (yellow card) and second intervention would look to revoke a licence (red card). The guidance made it clear that proposed interventions would not prevent the giving of an instant red card in an appropriately serious case. Page 40 of the Licensing Policy detailed this approach in full.

Questions to Licensing Officer

59.3 The following was confirmed:

- The new plan had not yet been agreed and would be dealt with after the Panel meeting. It was explained that the wall between the kitchen and WC had been extended across the yard. The WC was now outside the building. Mr Craig confirmed that the licensed area would be the whole retail space.
- The current plan on page 22 of the agenda showed that only the shop was covered by the licence. This did not include the yard. This was the plan that was currently approved.
- Mr Craig confirmed that the approved plan did not reflect the current licensed area. He agreed that this was not right but not unheard of. There was a process in place to rectify anomalies.

Statement from Sussex Police

59.4 Mr Savill addressed the Panel in relation to the police application for a review of a premises licence detailed on pages 23 to 43 on the agenda. Supporting evidence was set on pages 63 to 118. Mr Savill stated the following:

- Although Mr Savill would confine his statement to the police representation, he stressed that the review had also attracted representations from other Responsible Authorities and other persons which were compelling in their own right.
- The application for a review had been submitted due to a history of underage sales, breaches of conditions, and a wholesale failure to communicate with the police. Licensing objectives had been seriously undermined and there had been a provision of misleading information to the police.
- The police did not have confidence in the people running the premises.

Representation from Trading Standards

59.5 Ms Macbeth addressed the Panel, in relation to Trading Standards representation detailed on pages 54 to 56. Supporting evidence was set out on pages 119 to 144. Ms Macbeth made the following points:

- Muslum Donmez informed the police that he was the owner of the business in August 2017. If this was true he had been the owner since 2016.
- Trading Standards inspections had revealed foreign labelled beers, unsafe food, and illicit alcohol and tobacco products.
- Requests for traceability of products had not been forthcoming.

Questions to Ms Macbeth

59.6 The following was confirmed:

- Ms Macbeth was asked if she had the impression that alcohol was being deliberately being bought in after the sell by date had expired. Ms Macbeth explained that she could not be sure; however, in 2016 she had viewed the yard and had noted that not much alcohol was being stored. Ms Macbeth did not know where the stock was coming from. A significant quantity was out of date stock and had foreign labelling. The best before date was a quality issue.
- Ms Macbeth was asked to comment on the claims by the licence holders that they had not received communications from the Responsible Authorities, and had provided contradictory information. Ms Macbeth explained that she believed that the licence holders did not realise that the Responsible Authorities worked in partnership with each other.
- Ms Macbeth confirmed that there had been no underage sales in the premises since the application for review.

Representation from Licensing Authority

59.7 Ms Lynsdale addressed the Panel, in relation to the Licensing Authority's representation detailed on pages 51 to 53 and 57 & 58 of the agenda. Ms Lynsdale made the following points:

- The premises licence holder and manager had no experience of running a business and suspension would be ineffective.

Questions to Ms Lynsdale

59.8 The following was confirmed:

- Ms Lynsdale was asked if it was unusual for licence holders to be so uncooperative. Ms Lynsdale stated that the history of this premises was one of the worst she had ever dealt with. In spite of repeat visits nothing was put right.
- Ms Lynsdale was asked if she gave warnings to the licence holders of what the implications might be for non-compliance. Ms Lynsdale replied that she had sent warning letters and received no response. Other warning letters had been sent by colleagues and the police.
- Ms Lynsdale confirmed that the warnings were the equivalent to the yellow card.

59.9 Mr Bateup from Sussex Police Licensing referred to page 98 of the agenda which showed an email sent from him to Muslum Donmez on 31st August 2017. This stated that "As PC Bernascone and I explained to you when we met, we are not happy with the management and control of your premises and we are now considering a review application, in which case there is a strong possibility that we will ask for the revocation of the licence. In the interim period however we are giving you and Heydar the opportunity to show that you can work with us and demonstrate that you are willing and able to work with the responsible authorities to promote the licensing objectives. The fact that Heydar ignored two letters from me and then went off to Turkey without having

the professionalism and elementary good manners to make contact with me and speak to me in person before he went does not reflect well on your premises. The fact that the letters spelt out that we are considering a review and were still ignored makes the situation even more serious for you, and I fully anticipate that this would be taken into account by a council licensing committee. You now need to demonstrate to us that you want to work with us please, and you are rapidly running out of time.”

59.10 Mr Bateup stated that he had been a police licensing officer since 2004 and this was the worst premises he had dealt with. Mr Bateup had recently dealt with four other premises that had failed test purchases. They had all responded in a professional and courteous manner. All four premises had submitted minor variations to improve the situation and had since passed test purchasing.

Representation from London Road Area Local Action Team

59.11 Mr Wells addressed the Panel, in relation to the London Road LAT representation detailed on page 48 of the agenda. Mr Wells made the following points:

- The Local Action Team wanted to see responsible trading. London Road was a significant shopping area in Brighton. Alcohol had long been an issue in London Road, and these premises were in an area where there were sensibilities regarding alcohol.
- Three residents had flagged up issues with the premises (detailed on pages 46 and 47 of the agenda).
- It was important for the community to have good standards. The sale of alcohol could be abused and ruin the lives of young people. This was why there was regulation. The representation from the police was disturbing. Mr Wells urged the Panel to insist on a high level of training, management and cooperation. If this could not be achieved the licence should be revoked.

Questions to Mr Wells

59.12 The following was confirmed:

- Mr Wells was asked if the LAT had any problems with the premises. Mr Wells stated that he could not testify to that. It had not been flagged up as a licensing issue at LAT meetings.

Note: Mr Wells left the hearing at this point.

Representation from Licence Holder’s representative

59.13 Mr Craig addressed the Panel, and made the following points:

- Mr Craig stated that he had had a robust talk with the manager of the premises. This was the worst example of non-compliance he had witnessed. There was no question that the premises had fallen short of what was required and Mustafa Donmez was the principle reason for these problems.
- Mustafa Donmez was the brother of Muslum Donmez. Ismail Donmez was the eldest of four brothers.

- Mr Craig had gone through the papers in some detail and identified that Mustafa Donmez had misled the police. He had no concept of what was required.
- Mr Heydar Pashazade was the Premises Licence Holder and Mr Muslum Donmez was the leaseholder. Mustafa Donmez needed to be excluded from the business.
- The Panel had powers to add conditions to the licence and Mr Craig invited the panel to consider adding a condition to exclude Mustafa Donmez from the premises when licensable activities were taking place, or to exclude him from the premises altogether.
- Mr Craig had had a frank conversation with Muslum Donmez this morning (1st December 2017). Muslum Donmez was licence holder of a 24 hour off licence in Islington called Zaco Supermarket. Mr Craig had made it clear to Mr Donmez that if a premises fell short in meeting requirements it could lead to the revocation of the licence. Muslum Donmez needed to dedicate a significant amount of time to International Food and Wine and to get someone else to run Zaco Supermarket. If this was agreed, there would be an application to transfer the licence in his name. Muslum Donmez was also booked on a course to obtain a personal licence. Mr Donmez already had a Designated Premises Supervisor certificate and could be the PLH within a few weeks.
- Should Muslum Donmez breach any conditions he would be liable.
- There was no question that the Responsible Authorities had acted in a fair and measured fashion. It was also right to say that no failed test purchase had occurred again. Measures had been taken and conditions had been added to the licence already.
- Any anomalies to the plan would be rectified as soon as possible. Mr Craig would ensure an application for a variation was made.
- Mr Craig referred to the Serve Local independent test purchases set out on pages 187 to 191 of the agenda. The test purchases made on 16th and 18th October 2017 had both been passed.
- Mr Craig had brought some cans to the meeting and asked if he could refer to the cans with regard to issues regarding labelling. This was agreed. He also had examples of cans from Asda with the same labelling. There was now a label attached to the cans that Mr Craig hoped would be approved by Trading Standards.
- Trading Standards were right in saying that food products were required to be labelled in English.
- At this point Mr Craig passed round examples of the labels. Ms Macbeth stated that the labels described the flavour rather than allergens. However, they were just about sufficient for Trading Standards if not entirely legal. Mr Craig stated that he could discuss this shortcoming with the supplier Hare Wine Limited (details on pages 196 to 202 of the agenda).
- Mr Craig invited the Panel to consider the suspension of the licence. Case law was clear. Any steps taken should be a deterrent and not a punishment. Mr Craig suggested a suspension of one month, in which time the premises could not sell or display alcohol. Mr Craig would encourage the premises licence holder and leaseholder to engage with the responsible authorities in a way that ensured that problems did not occur. This would give the premises a month to get its house in order, submit a variation and work with the Responsible Authorities to ensure that going forward the premises do comply with the licensing regulations. Mr Craig felt that a month would be sufficient but it could be for a longer period.
- Mr Craig quoted paragraph 9.43 of the licensing guidance which stated that “The authority’s determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.” Mr Craig also referred to paragraphs 11.19 which set out the powers at the

disposal of the Panel and paragraph 11.20 which stated that the local authority should seek to establish the cause or causes of the concerns that the representations identified. Remedial action should be directed at these causes and should be appropriate and proportionate.

- The premises had engaged Narts Britain limited and had added two conditions to the licence. The plan was not consistent and non-compliant and would be rectified.
- Mustafa Donmez would be excluded from the licence. The premises licence would transfer to Muslum Donmez.
- Mr Craig invited the Panel to pull back from revoking the licence and to allow Muslum Donmez make the improvements to ensure the licence succeeded.

Questions to the Licence Holders and their representative

59.14 In response to questions the following was confirmed by the licence holders and their representative:

- Mr Craig was asked if Mustafa Donmez was the problem. He replied that Mustafa Donmez was not the sole problem, but he was the principal problem.
- Mr Craig was asked why Muslum Donmez was to be the DPS when he lived in London. Muslum Donmez explained that he would move to Brighton. He currently had an off licence in Islington. Mr Craig stated that Muslum Donmez was the leaseholder of International Food and Wine. He would get someone else to run the Islington shop.
- Mr Muslum Donmez confirmed that he would move to Brighton as soon as possible and would be attending a course to qualify as DPS on Thursday 7th December. Mr Craig confirmed that Mr Donmez would become licence holder and would be the DPS.
- It was confirmed that Mr Pashazade would be DPS until further notice.
- Mr Craig confirmed that there had been a visit from Trading Standards on 15th November in which a statement was served. The content of the statement caused difficulties in the family. Following advice, it had been decided to remove Mustafa from the premises.
- It was confirmed that Mustafa was not PLH or DPS. He was manager of the premises and had failed in that respect.
- Mr Bateup confirmed that Muslum Donmez had informed the police that he was the financial backer and person behind the premises. The police had no choice but to try and work with him to sort things out.
- It was pointed out that Muslum Donmez ran a business in London. The question was raised as to why he was not PLH. Muslum Donmez stated that he was working in the food industry in a restaurant and working with his brother. He wanted to work in an off licence.
- It was pointed out that in the police statement of 16th August 2017 (page 34 of the agenda) that Muslum Donmez had stated that he had owned International Food and Wine for two years. Muslum Donmez replied that the income had come from his eldest brother and not him. It was a family business. Mr Craig explained that the business transferred to Muslum on 4th October 2016.
- Muslum Donmez confirmed that he was did not currently have day to day involvement in the Brighton business as he was busy in London.
- A question was raised with regard to Mr Pashazade remaining as DPS. So far he had not been a forthcoming person. How would this improve if he remained DPS? Mr Craig acknowledged the lack of engagement and stated that Mr Pashazade would not be a DPS in the future.

- It was pointed out that every condition on the licence had been breached. After the independent test purchasing the refusal book suddenly appeared and looked as if it was written in the same hand writing. How could the Panel be assured that conditions would be kept in the future? Mr Craig replied that a review had been brought to the Panel and conditions were now in place. There was a positive improvement in the way the premises were being run. Muslum Donmez was committed to the premises by moving to Brighton, where he would be PLH.
- It was pointed out that Muslum was very young and had older brothers. How could the Panel be sure that he would not have pressure put on him by his older brothers? Muslum Donmez replied that he could prove himself to them, and could be responsible for his own actions.
- The licence holders were asked why there was a lack of response to emails and letters. Mr Craig replied that Muslum thought his brother was dealing with the correspondence, when this was not the fact. He conceded that there was not sufficient engagement.
- Mr Craig was asked what the premises would do if the variation to approve the new plan was not agreed. Mr Craig replied that the layout would be put back to the original format. The wall would be rebuilt.
- Mr Craig was asked why he was engaged to represent the business so late in the day. Mr Craig replied that that as a barrister in licensing he received many instructions very late in the day. Mr Savill concurred that this was not unusual.
- Mr Craig confirmed that he was not called in to deal with the minor variation. Narts Britain Limited was involved.
- Ms Macbeth asked Muslum if he had worked in the shop in Brighton. He replied in the affirmative. He had worked there since before 24th August.
- Ms Macbeth asked Muslum what name he had given when she visited. He replied Matthew.
- Ms Macbeth asked Muslum if he had used the name Moses. Muslum replied yes he had used the name Moses. He stressed that he had been forced to lie to Trading Standards by his brother Mustafa.
- Ms Macbeth asked Muslum when Mustafa had ceased to be involved in the business. Muslum replied that Mustafa had always been involved in the business and was in the premises today (1st December). A friend was running the shop.
- Ms Macbeth referred to the TR1 form on page 276 of the agenda. She asked if the application to transfer the licence had been completed as it had not been signed by Muslum. Mr Kilic, Narts Britain Ltd stated that Mr Muslum Donmez supplied a copy of the lease and supplied the signed form to him.
- Muslum was asked why he had supplied a false name to Trading Standards. He replied that his brother told him what to say. He got scared and gave a false name. He confirmed that he had three older brothers and that he was the youngest brother. He confirmed that Mo was a nickname.
- In answer to questions Mr Pashazade stated that he started working in the premises in May 2016. He then had to fly to his country for a wedding. Mr Pashazade confirmed that he returned to this country on 28th September 2017.
- Mr Pashazade was asked where he was at 02:32 on Thursday 7th September 2017 when an email was sent in his name to Mr Bateup. Mr Pashazade replied that the email was not from him. The email address was not his.
- Mr Pashazade was asked how long his wedding had been planned. Mr Pashazade replied it had been planned for weeks. He confirmed that he left the business in the charge of Mustafa Donmez. He left the country on 13th July 2017.

Summaries

59.15 The Licensing Officer stated the following:

- Sussex Police had applied for a review and this had been supported by Trading Standards. Other representations had been received by the Licensing Authority, the London Road Local Action Team and members of the public. Licensing objectives had been undermined.
- 11.27 of the guidance stated that “There is certain criminal activity that may arise in connection with licenced premises which should be treated particularly seriously”. This included the sale to minors and the sale or storage of smuggled tobacco and alcohol.
- Steps that were considered appropriate for the promotion of the Licensing Objectives included the removal of the DPS. If the Panel considered that there had been poor management of the premises then this would be an inadequate response. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives.
- But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

59.16 Mr Savill stated the following:

- Mr Savill asked the Panel to disregard the request to transfer the licence to Muslim Donmez.
- Mr Savill referred to the meeting between Muslim Donmez and Mr Bateup on 16th August 2017, set out on page 34 of the agenda. This was an important meeting and a stark warning was given. The second bullet point at the bottom of page 34 showed that the statement made by Mr Muslim Donmez was untrue. Mr Bateup sent an email on 24th August and received no reply. A further email was sent on 31st August. On 4th September Muslim sent an email to Mr Bateup saying that he did not know when the DPS would be returning. On 7th September an email was sent to Mr Bateup from someone purporting to be from Mr Pashazade. A police licensing visit was made on 13th September. By 21st September, there was still no application to transfer the licence and no sight of Mr Pashazade.
- It was abundantly clear that Mustafa was still involved in the business, and that he was not the sole reason for all the problems at the premises. The problems were serious and extensive. Every condition had been breached and there had been two criminal activities.
- There was a lack of effective engagement by anyone in the premises.
- The stepped approach taken by the police and other responsible authorities had not worked. Mustafa was not the only culpable one.
- The police did not change their view that they had no confidence that the situation would improve.
- Looking at the steps that could be taken there was little point in modifying conditions when existing conditions had not been complied with. Removing the DPS would not improve the problem.
- The police needed to be persuaded that Mustafa was not involved in the business.

- Problems were too deep seated and serious for a suspension to be appropriate.
- The licence conditions had been flouted and used to further criminal activity. The appropriate action was to revoke the licence.

59.17 Ms Macbeth stated the following:

- A web of lies and deceit attended to the licence. Muslum Donmez had opportunities since August 2017 to take appropriate action. He had lied in August and it was not clear if the dynamic in the family would allow him to take action.
- Trading Standards had no confidence that the business could be run responsibly and that the licensing objectives would be met.

59.18 Ms Lynsdale stated the following:

- Ms Lynsdale stood by her representation. She still had no confidence in either the PLH/DPS or the other individuals who are running the business. The only recommendation was to revoke the licence.

59.19 Mr Craig stated the following:

- He asked the Panel not to judge Muslum Donmez too harshly as he was not an articulate person.
- Mr Craig agreed that Mustafa Donmez was a malignant influence on the business and he would be excluded from the business.
- With regard to the email set out on page 103 of the agenda to Mr Bateup, it was simply not credible that the email had been advanced by anyone at the Panel meeting. Mr Pashazade's response had been straightforward.
- The Panel's response needed to be proportionate and fair.
- Muslum Donmez was trying to resolve problems and had to engage and take responsibility for the business. Mr Craig asked the Panel to give Muslum an opportunity to make improvements and promote the licensing objectives. He asked the Panel not to revoke the licence.

59.20 **RESOLVED:**

The panel has considered this application for review, supporting statements and evidence from all parties and has listened to all the submissions made at the hearing.

The review is brought by Sussex Police on the basis that the licensing objectives of the Prevention of Crime and Disorder, the Protection of Children from harm and public safety have been seriously undermined. Representations supporting the review have been made by Trading Standards, the Licensing Authority, local residents and local action team.

The police concerns relate to 2 failed test purchases for under age sales of alcohol, breaches of licence conditions, and failure on the part of those involved with the premises, in particular the licence holder and DPS, to communicate and engage with them despite repeated requests and warnings. Trading Standards have a history of involvement with the premises and provide evidence of the use of the premises for the sale and storage of illicit, namely foreign labelled, non-duty paid (smuggled) alcohol, and also the sale of food which was past its use by date and

thus unsafe. They too experienced lack of engagement and deceitful behaviour on the part of those involved with the premises in their attempts to intervene and rectify matters. Likewise the licensing authority supported the review on the basis of non-co-operation from the premises and failure to rectify matters after interventions. Residents' representations describe further problems with the premises of anti-social behaviour and noise late at night.

The Licence holder's legal representative did not seek to contest the evidence presented. Indeed he accepted that the responsible authorities had acted in a fair and measured way and that the premises had fallen significantly short of what is required. He placed the blame on Mustapha Donmez, who had been largely in charge and who had been a malign influence. He invited the panel by condition to exclude Mustapha from the premises and put trust in Muslum Donmez, Mustapha's younger brother, who would transfer the licence into his name and take over the business.

The panel must take such statutory steps under the Licensing Act in response to the review as are appropriate to promote the licensing objectives. The panel has considered all the options available to it. The panel has also considered the Statement of Licensing Policy and enforcement approach and the S182 Statutory Guidance in relation to reviews generally and those arising in connection with crime. The duty of the panel is to act to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

In terms of modification of conditions, the panel considers that it is clear from the evidence presented that the licence holder has not complied with the current conditions on his licence, particularly that relating to CCTV, so this is not an appropriate option. Removal of the DPS is not an option as the DPS is also the premises licence holder. In the panel's view it is clear that Mr Pashazade was put onto the licence as a convenient name and has had minimal involvement with the premises and no engagement with the responsible authorities, he denies sending the brief email in his name on the 7th September 2017. The person put forward by the licence holder's legal representative as a future new licence holder and DPS is Muslum Donmez, who it is claimed is the leaseholder for the premises. In this respect the panel agree with the views of the police and trading standards and have no confidence that Muslum Donmez taking over the business will improve matters and promote the licensing objectives. He has given false names to trading standards, apparently under pressure from his brother Mustapha, and has not engaged properly with the police or trading standards. Furthermore there can be no assurance that he would be in a position to exclude his brother Mustapha from the premises as proposed.

In terms of suspension of the licence, the licence holder proposes a 1 month suspension. The panel do not consider this is appropriate or see what purpose this would serve. In this case the panel agree with the police and trading standards that the problems with this premises are too deep seated for suspension to be an appropriate measure.

It is clear from the evidence of the police and trading standards that these premises have been used for criminal activities which seriously undermine the prevention of crime and disorder licensing objective, and that of the protection of children from harm and public safety. The S182 Guidance at 11.27 states that there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the illegal purchase and consumption of alcohol by minors and the sale or storage of smuggled tobacco and alcohol. In these circumstances it is expected that revocation of the licence – even in the first instance – should be seriously considered. In

this case, the police have adopted a stepped approach and given a series of 'yellow' cards to the licence holder. These have been ignored and there has been a wholesale failure in communication and engagement on the part of the licence holder and those involved with the premises. This is all detailed in the papers and evidence presented to us. In these circumstances the panel has no confidence in the ability of the licence holder or any of the persons involved with the premises to run these premises lawfully and in accordance with the licensing objectives. The panel therefore consider that the only appropriate option in this case is revocation of the licence.

The meeting concluded at 1.30pm

Signed

Chair

Dated this

day of