

LICENSING SUB-COMMITTEE
30th July, 2019

Present:- Councillor Ellis (in the Chair); Councillors Jones and Russell.

**3. LICENSING ACT 2003 - LICENCE - REVIEW OF THE PREMISES
LICENCE IN PLACE AT WELLGATE SUPERSTORE, 34 WELLGATE,
ROTHERHAM**

Consideration was given to an application for the review of a premises licence in accordance with the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as Wellgate Superstore, 34 Wellgate, Rotherham.

The Licensing Authority received representations made by the Borough Council's Licensing Enforcement Unit (as a responsible authority), which had not been withdrawn, and the Sub-Committee considered those representations.

The Sub-Committee heard the representations from the Premises Licence Holder.

The Licensing Authority had received representations from Rotherham MBC Environmental Health, Rotherham MBC Public Health and South Yorkshire Police.

The Sub-Committee heard the representations from Mr. C. Burnett (Licensing Enforcement Officer), on behalf of the Borough Council. The subject premises was a medium sized general store/off licence situated on Wellgate that attracted local trade with elements of passing trade.

Members were informed of the details of the specific concerns in respect of the management of these premises:-

- (i) Following receipt of intelligence, Trading Standards had conducted a test investigation. A number of premises were visited including Wellgate Superstore on 13th March, 2019. A test purchase was carried out as a result of which a female was able to purchase a packet of cigarettes. The cigarettes were contained within illicit packaging.
- (ii) A second test purchase operation was arranged to take place at the premises on 7th May, 2019. The premises again failed the test purchase.

- (iii) In the interim a decision was made to obtain a warrant to enter and search the premises for illicit cigarettes and tobacco. Police Officers as well as Trading Standards, Environmental Health and Licensing Officers had attended together with 2 specialist drug dogs.
- (iv) A cardboard box containing a variety of illicit and counterfeit cigarettes was found behind the shop counter together with a concealed cupboard, connected to an electro magnetic system, and a secret compartment above the toilet cistern, both containing a significant amount of cigarettes.
- (v) As a result of the search, a substantial haul of illicit cigarettes were recovered.
- (vi) There was an ongoing criminal investigation.

Following the visit, the Premises Licence Holder had been invited to interview at Riverside House who denied any knowledge or involvement in the purchase, storage or the sale of the cigarettes seized. The licence had been transferred to himself on 16th March, 2019, although he had been the owner and operator of the store since mid-February, 2019. Since he had bought the shop he had not made any alterations; the shop was as he had bought it.

He claimed he did not know the male shop assistant who had failed the test purchase on 7th May although he was responsible for the employing and dismissal of staff. It was claimed that the box of cigarettes under the counter was the overspill from the shelves and that he had no knowledge of the two concealed areas.

There had also been a plastic bag containing approximately £3,000 underneath the counter but this had been returned to the Premises Licence Holder.

The Premises Licence Holder stated that he had been on holiday and had then been in hospital for an operation so had not been to the shop for a while at the time of the test purchases. He had been every day since and had never seen such activity. He had not questioned the previous owner about the concealed cupboards.

The staff had been employed by the previous owner.

A number of unsuccessful attempts had been made to contact the Designated Premises Supervisor. The Premises Licence Holder did not know his address.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in light of the following Licensing objectives (as defined in the 2003 Act):-

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- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Resolved:- That, after due consideration of the application for review and to the representations submitted, the premises licence for the premises known as Wellgate Superstore, 34 Wellgate, Rotherham, be revoked with immediate effect.