

**LICENSING ACT 2003  
REVIEW OF PREMISES LICENCE  
MANI'S CONVENIENCE STORE, 17 EAST STREET, ST IVES PE27 5PD  
(Report by the Head of Community)**

**1. INTRODUCTION**

- 1.1 On the 21<sup>st</sup> June 2013, Huntingdonshire District Council granted a premises licence HDC/PRE00632 to Mani's Convenience Store under the Licensing Act 2003 ('the Act'). The premises had previously been operating as a convenience store, but did not sell alcohol.
- 1.2 Mr Moorthy Mani is the current premises licence holder. He has also been the Designated Premises Supervisor (DPS) since the grant of the licence in June 2013. Prior to becoming the DPS at Mani's Convenience Store, Mr Mani was the DPS for the Shell Garage, Fenstanton. Mr Mani has held a personal licence since 22 November 2011 HDC/PER01419.
- 1.3 The Act sets out the proceedings for reviewing premises licences, representing a key protection for the community where problems associated with the licensing objectives occur after the grant of a premises licence. Any responsible authority or other person may apply for the review of a licence if concerned about licensable activities at premises that are relevant to the promotion of one or more of the licensing objectives.

**2. GENERAL DUTY**

- 2.1 The Sub-Committee is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –
- (a) the prevention of crime and disorder,
  - (b) public safety,
  - (c) the prevention of public nuisance, and
  - (d) the protection of children from harm.
- 2.2 The licensing authority must also have regard to –
- (a) its licensing statement, and
  - (b) any statutory guidance issued by the Home Office under Section 182 of the Act.
- 2.3 The Licensing Authority is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

**3. APPLICATION FOR REVIEW OF LICENCE**

- 3.1 On the 16<sup>th</sup> July 2014, Andrew Fayers, Trading Standards Officer, acting on behalf of Cambridgeshire County Council, a responsible authority, submitted to the licensing authority an application for the review of the premises licence for Mani's Convenience Store. The review states there has been a clear breach of the licensing objective of the prevention of crime and disorder,

following the sale, or offering for sale counterfeit vodka, namely Selekt and Commissar. Trading Standards Officers consider that the premises do not have adequate systems and procedures in place to prevent the illegal supply of goods from the premises and that the sale of counterfeit vodka constitutes participation in crime and disorder. The review is requested in the interests of protecting innocent customers and consumers of goods originating from the premises. The application further requests that the licence is revoked. A copy of the application for review with supporting documents and the current licence are attached as Appendix A.

- 3.2 Between 17<sup>th</sup> July and 13<sup>th</sup> August 2014, the requisite public notice advertising the review was placed on the premises, at the offices of the licensing authority and on the licensing authority's website. A copy of the public notice is attached as Appendix B.

#### **4. REPRESENTATIONS**

- 4.1 During the period for the receipt of representations, one representation was received from a responsible authority, the Chief Officer of Police, Cambridgeshire Constabulary. The representation supports the County Council's review request owing to the clear breach of the licensing objective of the prevention of crime and disorder by the premises licence holder and DPS, permitting the sale of counterfeit vodka. The police express the view that by allowing the sale of illicit/counterfeit goods, the licence holder/DPS is contributing to crime and disorder. The representation states that the illicit manufacturing of alcohol has historical links to organised crime groups. Not paying the relevant duty, failing to keep records and agreeing to sell alcohol of unknown origins for personal gain is clearly putting members of the public who use this store at risk. The representation requests that the premises licence be revoked. The representation is attached in its entirety as Appendix C.

- 4.2 No other representations were received following public notice of the review.

#### **5. CONCLUSION**

- 5.1 Having considered the review application and representation contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives –

- (a) to modify the conditions of the licence,
- (b) to exclude a licensable activity from the scope of the licence,
- (c) to remove the designated premises supervisor,
- (d) to suspend the licence for a period not exceeding three months,
- (e) to revoke the licence.

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.2 Government Guidance, paragraphs 11.16 – 11.23 cover the range of powers of the licensing authority on determining a review, where considered appropriate for the promotion of the licensing objectives.

- Paragraph 11.20 states that in deciding which powers to invoke, it is expected that the licensing authority should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at

these causes and should always be no more than an appropriate and proportionate response.

- Paragraph 11.21 states licensing authorities should be alive to the possibility that the removal and replacement of the DPS may be sufficient to remedy a problem where the cause for concern directly relates to poor management decisions made by that individual.
- Paragraph 11.22 states that if poor management is a direct reflection of poor company practice, the mere removal of the DPS may be an inadequate response to the problems presented.
- Paragraph 11.23 points out that modifications of conditions and exclusions of licensable activities may be imposed permanently or for a temporary period of up to three months. It is important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. 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.

5.3 Government Guidance paragraphs 11.24 – 11.28 cover reviews arising in connection with crime.

- Paragraph 11.26 states that the licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- Paragraph 11.27 lists matters that should be treated particularly seriously.
- Paragraph 11.28 envisages that the responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authorities determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance- should be seriously considered.

5.4 An appeal is available to the Magistrates' Court in respect of the decision of the Sub-Committee. An appeal may be made by the applicant for the review, the holder of the premises licence and any other person who has submitted a representation.

## **6. RECOMMENDATION**

6.1 The Sub-Committee is

### **RECOMMENDED**

To determine what action to take in respect of the premises licence after hearing the evidence from the applicant, Cambridgeshire County Council Supporting Business and Communities (Trading Standards) Service, the representation of Cambridgeshire Constabulary and any submissions on behalf of the licence holder.

## **BACKGROUND INFORMATION**

Licensing Act 2003.

Licensing Act 2003 (Hearings) Regulations 2005.

Guidance issued under section 182 of the Licensing Act 2003.

Huntingdonshire District Council Statement of Licensing Policy.

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