

LICENSING SUB-COMMITTEE

28 OCTOBER 2024

PRESENT

Councillor S. J. Haughey (in the Chair).
Councillors E.L. Hirst and M. J. Welton

In attendance

J. Pickup – Senior Licensing Officer
J. Parry – Locum Litigation Lawyer
N. Owen – Democratic Officer
G. Thurston – Democratic Assistant
S. Tomlinson – Democratic Assistant

6. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT JUZ MART, 31 HALE ROAD, ALTRINCHAM, WA14 2EY

The Head of Regulatory Services submitted a report informing members of an application for the grant of a premises licence for Juz Mart, 31 Hale Road, Altrincham, WA14 2EY which had attracted representations from Licensing Enforcement, Trading Standards and Greater Manchester Police.

Representations were made against the application by Licensing Enforcement and Greater Manchester Police.

RESOLVED: That the application for the grant of a premises licence be rejected.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee Members: Councillor S.J. Haughey (Chairperson)
Councillor E.L. Hirst
Councillor M.J. Welton

Applicant: YG Sing Ltd

Type of Licence: Grant of a Premises Licence: Juz Mart, 31 Hale Road, Altrincham, WA14 2EY

Representors: Trading Standards
E. Pritchard

Licensing Enforcement
B. Moran

Greater Manchester Police
PC Lloyd

**Licensing Sub-Committee
28 October 2024**

Parties Present: Licensing Enforcement
B. Moran

Greater Manchester Police
PC Lloyd

Officers
Jade Pickup – Senior Licensing Officer
James Parry – Locum Litigation Lawyer
Natalie Owen – Democratic Officer
Georgia Thurston – Democratic Assistant
Sophie Tomlinson – Democratic Assistant

Date of Hearing: 28 October 2024

Time Commence: 6.30 p.m.

Time Terminated: 6.45 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the representations received from Trading Standards, Licensing Enforcement and Greater Manchester Police were valid representations as they related to the prevention of crime and disorder, the protection of children from harm, public nuisance and public safety.

That the application be rejected.

LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

We considered the Licensing Act 2003 and regulations, the Guidance and the Council's Licensing Policy as well as the submissions from all parties, together with the written supporting documents that had been provided ahead of the hearing.

We heard from the Licensing Officer who presented her report.

The Applicant did not attend and was not represented.

We were satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

We noted that the applicant reached agreement with the Council's Environmental Health department to modify the hours of operation of the premises prior to the meeting.

We noted the representations made by the Licensing Enforcement Unit, Trading Standards and Greater Manchester Police that nine complaints had been received

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that the premises were being used for the sale of illegal vapes and the sale of those items to children between the 8th July 2024 and 18th September 2024. Those complaints were corroborated by the seizure of illegal products by Trading Standards on the 13th September 2024 and by CCTV images, copies of which were provided to us which clearly show substantial numbers of children gathered outside the premises.

We were further concerned by the reports that the operator of the premises on the 13th September 2024 was only able to produce a Malaysian driver's licence rather than any evidence of a right to work in the United Kingdom. That male subsequently absconded from the premises, abandoning them to the care of the investigating officers.

We were informed that trading in illegal vapes is a substantial problem with Trafford and Greater Manchester and that several sets of premises have been closed by the magistrates' court pursuant to section 80 of the Anti-social Behaviour Crime and Policing Act 1980 as a result of such behaviour. Similarly, the Council has successfully applied for the closure of premises where workers without the right to work in the United Kingdom have been routinely employed.

We took account that the importation and sale of illegal vapes is an activity routinely indulged in by those who are involved in serious organised crime, as is the use of illegal workers.

The Sub-Committee noted the impact that the illegal sale of tobacco products and vapes has on the general public and children in particular who are encouraged to inhale products which are not regulated by any appropriate authority and which may and frequently do contain harmful toxins.

We had regard to the Council's licensing policy and to the statutory guidance which direct us to take account of the past behaviour of any applicant and to treat criminal activity related to organised crime, the sale or storage of smuggled tobacco, the making of underage sales and the employment of illegal workers seriously and as a matter of concern when assessing an applicant's ability to promote the licensing objectives.

We were satisfied, so that we were sure that the premises to which this application relates has been used for the purposes of organised criminal activity, namely the sale of unlawful tobacco products, the making of underage sales and the employment of illegal workers.

The applicant's involvement in such activities renders them entirely unsuitable to hold a premises licence and in our view unable or unwilling to uphold the licensing objectives. We do not consider that there are any conditions that we could impose that would serve to promote the licensing objectives.

Finally, we noted that the business was being run in contravention of section 7 of the Control of Pollution Act 1989 as the applicant has failed to put in place a valid contract for the disposal of its business waste. We heard that on inspection it was

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found that address labels and other identifying marks had been removed from waste which is a common practice where such waste is to be flytipped.

We were of the view that granting the application would undermine the licensing objectives, particularly:

1. The protection of children from harm
2. The prevention of crime and disorder.
3. Public safety, particularly in so far as children are concerned.

Accordingly, we resolved to dismiss the application.

The meeting commenced at 6.30 pm and finished at 6.45 pm