

Meeting Commenced:	10.05am
Meeting Adjourned:	11.12am
Meeting Reconvened:	11.23am
Meeting Adjourned	12.20pm
Meeting Reconvened	1.03pm
Meeting Ended	1.16pm

**GENERAL LICENSING SUB-COMMITTEE**  
**17 October 2014**

Present: Councillors Jackson and Poulter

**16/14 Appointment of Chair**

**Resolved to appoint Councillor Jackson as Chair of the General Licensing Sub Committee.**

**17/14 Apologies**

Councillor Hezelgrave

**18/14 Late Items to be Introduced by the Chair**

There were no late items.

**19/14 Declarations of Interest**

There were no declarations of interest.

**20/14 Application for the Review of a Premises Licence at  
Baltikum, 8A Becket Street, Derby DE1 1HT**

This meeting was re-convened from 6 October 2014 to consider an application for a review of the Premises Licence at Baltikum, 8A Becket Street, Derby DE1 1HT. Mr Norgaila attended the meeting, along with Ms Ilona Dalisanskaite, his supporter who had been informed before the commencement of the hearing that she could be present in the hearing to support Mr Norgaila but would not be permitted to take part in any part of the hearing. Ms Dalisanskaite understood this. As had been requested (in the previously adjourned meeting) a Lithuanian interpreter was in attendance.

The hearing proceeded in accordance with the review of a licence procedure and the Sub-committee heard evidence from from Derby City Council Trading Standards team explaining the circumstances surrounding why a review of Baltikum's Licence had been sought. The Committee also heard evidence from the council's Safeguarding Team and Licensing Team as well as Derbyshire Constabulary.

The appellant, Mr Norgaila, verbally presented his case to the Sub-Committee through the interpreter.

The Sub-Committee took into account all representations made and evidence produced at the hearing and reached its decision with regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998.

The sub-committee made the decision taking into account the four licensing objectives:

- (a) Prevention of crime and disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;
- (d) Protection of Children from harm.

## **Findings**

There were relevant representations received from Derbyshire Constabulary, a responsible authority, relating to the four licensing objectives, from the Derby City Council Trading Standards Team, also a responsible authority, relating to the prevention of crime and disorder objective, as well as from the Derby City Safeguarding Children Board, also a responsible authority, relating to the licensing objective of the protection of children from harm.

In the course of a premises search undertaken by HMRC officers in July 2009, 13.9 litres of non UK duty paid vodka was seized from the premises, resulting in a prosecution warning being issued that future detections would result in criminal prosecution.

On 28 November 2009, a test purchase conducted by Derby City Council Trading Standards resulted in an under-aged person purchasing a can of Strongbow Cider from the premises.

In the course of a premises search undertaken by HMRC officers on 8 November 2012, 250g of hand rolled tobacco and 3,360 cigarettes valued at £788.92 were found concealed on the premises, none of which had been subject to payment of excise duty.

In the course of a premises search undertaken by HMRC officers on 8 November 2012 at 5 Sussex Circus, Derby, residential premises at the time occupied by the premises licence holders Designated Premises Supervisor and the sole director of the premises licence holder, a substantial quantity of non duty paid alcohol and tobacco valued at £58,349.70 was found in various rooms throughout the home, namely 24,640 cigarettes, 9.8 kg of hand rolling tobacco, 7 bottles of wine, 189 litres of beer and 28.5 litres of spirits, along with 18 counterfeit UK duty stamps. Specifically, in the kitchen was a plastic tub filled with water, upside down in which were several bottles of spirits.

When each of the events documented in paragraphs 5.2 – 5.4 occurred, the Designated Premises Supervisor was Ilona Dalisanskaite.

As a result of the events documented in paragraphs 5.4 and 5.5, the sole director of the premises licence holder was convicted at Derby Magistrates' Court on 6 May 2014, on five counts of evasion of excise duty and one count of fraud.

During the hearing (second session), the premises licence holders representative was unable to provide a meaningful explanation of the premises licence holders understanding of the 4 licensing objectives.

## **Decision**

**Resolved to revoke the premises license of Baltikum 8A Becket Street Derby, DE1 1HT.**

## **Reasons**

The reasons for this decision were as follows:

Having taken into account the four licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Human Rights Act, the Sub-Committee sought to balance the interests of the licence holder and the representations made by the responsible authorities and of the other persons.

The Sub-Committee was not satisfied that either the premises licence holder or the Designated Premises Supervisor have demonstrated a satisfactory standard of responsibility necessary to discharge the onus of those statutory roles.

The Sub-Committee considered that the history of warnings followed by subsequent regulatory breaches and criminal re-offending demonstrates indifference towards the law, and is not in the public interest. On balance, the sub-committee consider that the criminal and regulatory breaches identified were deliberate and calculated, and that it is implausible that neither the premises licence holders sole director, or the Designated Premises Supervisor were not complicit in those failings, whether together or alone.

The Sub-Committee was satisfied that the four licence objectives have been undermined by the failings of the premises licence holder and the Designated Premises Supervisor, and further that one or more of the four licensing objectives would in future be undermined, without the revocation of the premises licence.

The Sub-Committee felt it was reasonable and proportionate to accept that neither the modification of the licence conditions, removal of the Designated Premises Supervisor nor suspension of the licence would overcome the failings of the premises licence holder and the Designated Premises Supervisor.

All parties were made aware of their right to appeal the decision.

MINUTES END