

Report of:	Public Protection Manager	Licence Type:	Premises Licence
Report to:	Licensing Committee	Date:	8 th September 2022
Contact Officer:	Susan Chadwick	Telephone:	01706 238 648
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PREMISES DETAILS

Name:	Mace Express
Address:	45A Bank Street, Rawtenstall, Rossendale, BB4 7QN
Ward:	Hareholme
Application:	Application for the review of a premises licence

1.	REASON FOR REFERRAL
1.1	To advise members of an application for the review of a premises licence under Section 51 of the Licensing Act 2003.
2.	RECOMMENDATIONS
2.1	It is recommended that members determine the application in accordance with the provisions of the Licensing Act 2003.
3.	LICENSING OBJECTIVES
3.1	Members are reminded of the Licensing objectives as follows: <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public Safety; • The prevention of public nuisance; and • The protection of children from harm
4.	BACKGROUND
4.1	In October 2011, an application for the grant of a premises licence was received from Mr Irfan Ismail and that application was granted on 5 th December 2011.
4.2	On 14 th September 2021, Mr Jenishkumar Patel applied to have the licence transferred. That application was granted on 23 rd September 2021 and the application had effect whilst pending.
4.3	Mr Patel is the premises licence holder and is named on the licence as the designated premises supervisor (DPS).
4.4	The premises licence is appended at <u>Appendix A</u> .
4.5	The premises licence authorises the following activities: <p><u>Sale of Alcohol (Off)</u> Between 0730 hours and 1930 hours Monday to Friday Between 0800 hours and 1930 hours Saturday.</p>

4.6	The conditions imposed upon the premises licence (bar from mandatory conditions which the Licensing Authority have no discretion over) are appended as <u>Appendix B</u> .
5.	THE APPLICATION
5.1	On 19 th July 2022, an application to review the premises licence was received by the Licensing Authority. This application was made by Trading Standards and is appended at <u>Appendix C</u> .
5.2	The application is made on the grounds of the prevention of crime and disorder.
5.3	In accordance with the requirements of the Act, the application was properly served upon the licence premises licence holder and all responsible authorities.
5.4	In accordance with the requirements of the Act, the review application was advertised at the premises by way of the statutory blue notice for a consecutive period of 28 days. A notice was attached to the front door of the premises as well as a lighting column to the side of the business. The application was also advertised on the Council's website.
5.5	Members are guided to paragraphs 11.27 and 11.28 of the statutory guidance issued under Section 182 of the Licensing Act which deals specifically with reviews on this matter. That guidance being: <i>11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:</i> <ul style="list-style-type: none">• <i>for the sale or storage of smuggled tobacco and alcohol.</i> <i>11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority 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.</i>
6.	REPRESENTATIONS
6.1	No relevant representations were received during the representation period.
7.	OPTIONS
7.1	Members should always consider whether concerns raised can be overcome by the addition of conditions.
7.2	Members should consider the application, the representations and all submissions made and must take the steps below (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are: <ol style="list-style-type: none">1. To modify the conditions of the licence;2. To exclude a licensable activity from the scope of the licence;3. To suspend the licence for a period of not exceeding three months;

	<p>4. To revoke the licence</p> <p>5. To issue a warning (which must be written and given to the licence holder);</p> <p>6. To take no further action.</p>
8.	POLICIES TO CONSIDER
8.1	<ul style="list-style-type: none"> • Rossendale Borough Council’s Statement of Licensing Policy effective 20th March 2019. • Guidance issued under Section 182 of the Licensing Act 2003.
9.	CRIME AND DISORDER
9.1	<p>Section 17(1) of the Crime and Disorder Act 1998 places a duty on the Local Authority to have due regard to the likely effect of the exercise of these functions on preventing in its area, the following;</p> <ul style="list-style-type: none"> • crime and disorder; • misuse of drugs alcohol and other substances; and • re-offending.

APPENDICES

Appendix A	Premises Licence
Appendix B	Premises Licence Conditions
Appendix C	Application Form for Review