

**MINUTES OF: LICENSING SUB-COMMITTEE
HEARING UNDER THE LICENSING ACT 2003**

DATE OF MEETING: 22nd March 2023

PRESENT: Councillors S Barnes (Chair), M. Smith and Neal.

**IN ATTENDANCE: Ms Y Ahmed, Principal Legal Officer
Mr S Hussain, Legal Officer
Miss S Chadwick, Licensing Officer
Mr M Asquith, Licensing Support
Ms A Kauser, Licence Holder
Mr G Sharif, Other Party
PC M Jones Applicant - Police
Ms L Manning, Responsible Authority - Trading Standards
Councillor Ashworth, Interested Party**

Also in attendance: Press

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

2. CHAIRMAN'S INTRODUCTION

The Chair welcomed all parties to the meeting and asked the members of the Sub-Committee and Council Officers to introduce themselves.

The Chair asked the Applicant; Responsible Authority; Interested Party and Licence Holder to introduce themselves.

3. DECLARATIONS OF INTEREST

No declarations were made.

4. REVIEW OF A PREMISES LICENCE AND TRANSFER OF PREMISES LICENCE AT: BACUP WINES, 34 BURNLEY ROAD, BACUP, OL13 8AB.

4.1 The Licence Holder, Other Party, Applicant, Responsible Authority and Interested Party attended the Hearing with regard to a review of the premises licence and transfer of the premises licence at Bacup Wines, 34 Burnley Road, Bacup, OL13 8AB.

4.2 The Legal Advisor outlined the legal issues surrounding the hearing.

4.3 There were no representations submitted by any of the parties to hear the matter in private.

4.4 The Licensing Officer presented the report.

4.5 The Hearing procedure was followed.

4.6 The Applicant presented their case.

- 4.7 The members asked questions of the Applicant.
- 4.8 The Licence Holder and other party presented their case.
- 4.9 The members asked questions of the Licence Holder and Other Party.
- 4.10 The Responsible Authority presented their case.
- 4.11 The members asked questions of the Responsible Authority.
- 4.12 The Interested Party made their representation.
- 4.13 The members asked questions of the Interested Party.
- 4.14 All parties provided clarification.
- 4.15 The Licence Holder, Other Party, Applicant, Responsible Authority, Interested Party and the Licensing Officer left the room whilst the committee deliberated.
- 4.16 The Licence Holder, Other Party, Applicant, Responsible Authority, Interested Party and the Licensing Officer returned to the meeting for the announcement of the decision.

5. DECISION

- 5.1 After giving consideration to all the written and verbal representations made today, by the Licence Holder, Applicant, Responsible Authority and interested parties; and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action on the transfer application and review of the premises licence for the premises under Section 42 and Section 51 of the 2003 Act

Resolved:

To refuse the transfer application as the Sub-Committee considered it appropriate for the promotion of the crime prevention objective.

In respect of the application to review the premises licence, the Sub-Committee resolved:

To revoke the premises licence for the following reasons:-

- Upon hearing the information submitted by the police and Responsible Authority, it is evident that there have been a number of repeated incidents of underage sales of alcohol and vapes to children.
- Given the number of incidents; the circumstances surrounding the incidents and the fact that the matter involves safeguarding issues relating to young vulnerable minors, the Sub-Committee considered that the seriousness of the incidents and the crimes committed against young children undermines the following Licensing Objectives:-

1. Prevention of Crime and Disorder

2. Protection of Children from Harm

- They have also considered the written and oral representations submitted by all interested parties and the concerns raised therein.
- Through the information presented by Ms Kauser and Mr Sharif, it is clear that their understanding of the Licensing Act and Guidance is inadequate and has not been complied with. It was also noted that since the incidents took place, no additional measures have been put in place to prevent underage sales; to protect children from harm and to prevent crime and disorder.

This decision has been made because the Sub-Committee are satisfied that these measures are necessary to satisfy the aforementioned licensing objectives, namely:

1. Prevention of Crime and Disorder
2. Protection of Children from Harm

A determination notice would be served on all parties in due course.

There was a right of appeal for all parties before the Magistrates' Court which must be exercised within 21 days on receipt of the Decision Notice.

The meeting commenced at 10.00am and finished at 12:21pm.