

Report of:	Public Protection Manager	Licence Type:	Premises Licence
Report to:	Licensing Committee	Date:	11 th December 2023
Contact Officer:	Susan Chadwick	Telephone:	01706 238 648
Email:	susanchadwick@rossendalebc.gov.uk		

PREMISES DETAILS

Name:	Healey Off Licence
Address:	103 Market Street, Whitworth, Rochdale, OL12 8SE
Ward:	Healey and Whitworth
Application:	Application for the transfer of a premises licence

1. REASON FOR REFERRAL

- 1.1 To advise members of an application for the transfer of a premises licence under Section 42 of the Licensing Act 2003.

2. RECOMMENDATION

- 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:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

4. THE LICENCE

- 4.1 The premises is an off licence and has held a premises licence since 2nd September 2005. This licence would have remained dormant until the second appointed day (24th November 2005) when the provisions of the Licensing Act 2003 came into effect. This licence is appended at **Appendix A**.

- 4.2 There have been various transfers and designated premises supervisor (DPS) applications since that time.

- 4.3 On 13th July 2010 the premises licence was transferred to Mr Arulthas Arokkiyanathar THEVASAKAYAM who is the current premises licence holder.

5. THE APPLICATION

- 5.1 On 3rd November 2023, Mr Gulraiz SHARIF applied for the transfer of the premises licence. That application is appended at **Appendix B**.

- 5.2 At the same time, an application for the variation of DPS was submitted by Mr SHARIF. The applicant was identified as Mr THEVASAKAYAM. The application requested that it have immediate effect. This means that the premises licence has effect during the application period as if it were varied in the manner set out in the application.
- 5.3 At the same time, an application for the grant of a personal licence for Mr SHARIF was submitted.
- 5.4 The application for the DPS variation was rejected as a person cannot hold the position of DPS if they do not hold a personal licence.
- 5.5 Not only did Mr SHARIF not hold a personal licence at the time of application but the application was wrongly made to Rossendale Borough Council. A personal licence application can only be made to the Licensing Authority in which the applicant is normally resident.
- 5.6 Lancashire Constabulary, on behalf of the Chief Officer of Police, submitted a notice under Section 42(6) of the Act as they are satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective. That notice is appended at **Appendix C**.

6. BACKGROUND

- 6.1 On 22nd March 2023, a licensing hearing was held to consider applications for the review of a premises licence and a transfer of licence. The application for review concerned a premises known as Bacup Wines situated at 34 Burnley Road, Bacup, OL13 8AB.
- 6.2 Lancashire Constabulary applied for the review of the licence above and at the time of the application, the premises licence was held by Mr Zahoor Ahmed.
- 6.3 The transfer application was made by Ashia KAUSER.
- 6.4 Lancashire Constabulary, on behalf of the Chief Officer of Police, objected to the transfer application on the grounds of the prevention of crime licensing objective.
- 6.5 Although Ashia KAUSER and Mr SHARIF (the applicant for this hearing) did not hold the premises licence at the time of the determination hearing and the matter concerned a premises other than the one in question today, the matters which gave rise to that hearing solely concerned the actions and activities of the two individuals.
- 6.6 The minutes from that determination hearing are appended at **Appendix D**.

7. RESPONSIBLE AUTHORITIES

- 7.1 The Chief Officer of Police is the only responsible authority that can object to the application and that objection is detailed in section 5 of the report and appended at **Appendix C**.

8. OPTIONS

- 8.1 Members should consider the application, the representations and all submissions made and must:
- a) Grant the application; or

- b) Reject the application if it is considered appropriate for the promotion of the crime prevention objective to do so.

9. POLICIES TO CONSIDER

- 9.1
- Rossendale Borough Council's Statement of Licensing Policy effective 20th March 2019.
 - Guidance issued under Section 182 of the Licensing Act 2003.

10. CRIME AND DISORDER

10.1 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;

- crime and disorder;
- misuse of drugs alcohol and other substances; and
- re-offending.

APPENDICES

Appendix A	Premises Licence
Appendix B	Application to transfer a premises licence
Appendix C	Objection - Police
Appendix D	Minutes of determination hearing – 22 nd March 2023

Premises Licence

PL(A)00024

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Healey's Off Licence

103 Market Street, Whitworth, Rochdale, Lancashire, OL12 8SE.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Saturday	6:00am	11:00pm
	Sunday	6:00am	11:00pm
	Good Friday	8:00am	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Non Standard Timings: Not regulated under this licence.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Arulthas Arokkiyanathar Thevasakayam

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Arulthas Arokkiyanathar THEVASAKAYAM

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. 5870/0601436

Issued by Sutton

ANNEXES

Annex 1 - Mandatory Conditions



ANNEXES continued...

No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or their licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Conditions imposed by virtue of paragraph 6(8) Schedule 8 Licensing Act 2003

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

Between 0800 hours and 2300 hours Monday to Saturday.

Between 1000 hours and 2230 hours Sunday.

Between 0800 hours and 2230 hours Good Friday.

Between 1200 hours and 1500 hours and between 1900 hours and 2230 hours on Christmas Day.

The above restrictions do not prohibit:

During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

The sale of alcohol to a trader or club for the purposes of the trade or club;

The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of state or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

No child shall be employed so long as he/she is under the age of 14 years to do any work other than light work or before the close of school hours on any day on which he/she is required to attend school or before 7 o' clock in the morning or after 7 o' clock in the evening on any day or for more than 2 hours on any day on which he/she is required to attend school or for more than 2 hours on a Sunday or more than 35 hours, or if he/she is under the age of 15 years, for more than 25 hours in any week in which he/she is not required to attend school or for more than 4 hours in any day without a rest break of 1 hour or at any time in a year unless at that time he or she has had, or could still have, during the period in the year in which he is not required to attend school, at least two consecutive weeks without employment.

Mandatory Conditions as per The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

These conditions come into force on *1st October 2010*.

1. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
2. The responsible personal shall ensure that:



Premises Licence

PL(A)00024

ANNEXES continued...

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: 1/2 (half) pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml; and
- (b) customers are made aware of the availability of these measures



Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We GULRAIZ SHARIF

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PL(A) 00024

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

103 MARKET STREET
WHITWORTH

Post town ROCHDALE

Post code OL12 8SE

Telephone number at premises (if any)

ROSS ENDALE
LICENSING UNIT
RECEIVED
03 NOV 2023

Please give a brief description of the premises (see note 1)

SEMI-DETACHED PROPERTY WHICH IS SHOP ON GROUND FLOOR AND FIRST FLOOR FLAT. SELLING GROCERIES AND ALCOHOL FOR CONSUMPTION OFF THE PREMISES

Name of current premises licence holder

ARULTHAS AROKKIYANATHAR THEVASAKAYAM

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

a) an individual or individuals*

Please tick yes

please complete section (A)

b) a person other than an individual *

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

iii. as an unincorporated association or

please complete section (B)

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

SHARIF

First names

GULRAIZ

Date of birth

Nationality

Current residential address if different from premises

I am 18 years old or over

Please tick yes

address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other title

(for example, Rev)

Surname

First names

Date of birth

Nationality

Current residential address if different from premises address

I am 18 years old or over

Please tick yes

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 02/11/2023

.....

Capacity N/A

.....

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)



Please tick yes

I have enclosed the premises licence



If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today



IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,

carrying on of a licensable activity.

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of EEA nationals who are studying or financially independent must also provide evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i). any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I/~~we~~ ARULTHAS AROKKIYANATHAR THEVASAKAYAM

[full name of premises licence holder(s)]

the premises licence holder of premises licence number PL(A) 00024

[insert premises licence number]

relating to

HEALEY'S OFF-LICENCE

103 MARKET STREET, WHITWORTH, ROCHDALE OL12 8SE

[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

PL(A) 00024

[insert premises licence number]

to

GULRAIZ SHARIF

[full name of transferee].

signed

name

(please print)

ARULTHAS AROKKIYANATHAR THEVASAKAYAM

dated

28 SEPTEMBER 2023

Susan Chadwick

From: Dundon, Stephen <Stephen.Dundon@lancashire.police.uk>
Sent: 16 November 2023 08:25
To: Licensing Department
Subject: Police Objection - RE: Transfer of Premises Licence

Categories: Susan Chadwick, Marcus Asquith

Good morning.

Please accept this as the Police objection to the Transfer of Premises License application for 103 Market Street, Whitworth from Gulraiz SHARIF.

On the 3rd November 2023 Lancashire Constabulary received an application from Gulraiz SHARIF to transfer the Premises Licence at 103 Market Street, Whitworth.

A check of Police records indicates that Gularaiz SHARIF has previously been the owner of Bacup Wines Convenience Store, 34 Burnley Road, Bacup. This premises was taken to review in January 2023 following a failed test purchase when alcohol was sold to a 16 year old volunteer in December 2022. The test purchase was carried out following reports of under age sales at the premises. The premises licence was subsequently revoked.

We are also aware that Greater Manchester Police, together with Trading Standards, have previously seized illicit tobacco and alcohol from a premises in Bury that was run by the applicant.

[REDACTED]

[REDACTED]

Our objection therefore centres on our concerns that Gulraiz SHARIF has previously been the owner of a business where the premises licence was revoked following a failed test purchase of alcohol, he has been the owner of a business where illicit alcohol and tobacco were seized and [REDACTED]

[REDACTED]

It is our view that Gulraiz SHARIF has previously shown an inability to demonstrate he is able to work towards the Licensing objectives of the prevention of crime and disorder [REDACTED] and we have serious concerns that this would continue should he be permitted to take over this premises licence.

Let me know if you need any clarification of any of the above.

Regards

Steve

| **Sergeant 541 Steve Dundon**



Licensing Sergeant - Burnley, Rossendale, Pendle and Ribble Valley
Burnley Police Station, Parker Lane, Burnley, BB11 2BT

t: **Internal** 300541
t: **External** 01282 472035

m: [REDACTED]



From: Licensing Department <licensing@rossendalebc.gov.uk>

Sent: Friday, November 3, 2023 2:18 PM

[REDACTED]

Subject: Transfer of Premises Licence

Dear Responsible Authorities

As Required by the Licensing Act 2003, you are hereby served with a Transfer of Premises Licence application in respect of Healey Off Licence, at 103 Market Street. Whitworth, Rochdale, OL12 8SE.

The application was served on 03.11.2023

Please send response to licensing@rossendalebc.gov.uk

Kind Regards

Disclaimer

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**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.