

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

DATE OF MEETING: 11th December 2023

PRESENT: Councillors Marriott (Chair), Gill and Rigby

**IN ATTENDANCE: Ms Y Ahmed, Principal Legal Officer
Mr S Hussain, Legal Officer
Miss S Chadwick, Public Protection Unit Manager
Sergeant S Dundon, Lancashire Constabulary
Ms S Barton, Lancashire Constabulary
Mr G Sharif, Applicant
Applicant's interpreter**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

1.1 There were no apologies for absence.

2. CHAIRMAN'S INTRODUCTION

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

3. DECLARATIONS OF INTEREST

3.1 No declarations were made.

4. APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE FOR HEALEY'S OFF-LICENCE, 103 MARKET STREET, WHITWORTH, OL12 8SE

4.1 The Hearing procedure was followed.

4.2 The Chair asked the Applicant and his interpreter to introduce themselves.

4.3 The Applicant attended the Hearing with regard to the application for the transfer of a Premises Licence for Healey's off-licence, 103 Market Street, Whitworth, OL12 8SE.

4.4 All parties consented to a public hearing.

4.5 The Public Protection Unit Manager presented the report.

4.6 The Applicant presented their case.

4.7 Members asked questions of the Applicant.

4.8 Clarification was provided.

4.9 The Responsible Authority amplified their representations.

4.10 The hearing changed to a private hearing and a vote took place.

4.11 The hearing returned to a public hearing and a vote took place.

4.12 Closing statements were made by the Applicant and Responsible Authority.

4.13 The Applicant, the Applicant's interpreter, Responsible Authority and the Public Protection Unit Manager left the room whilst the Committee deliberated.

5. DECISION

5.1 After giving consideration to all the written and verbal representations made today, by the Applicant and the Responsible Authority, 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 application for the transfer of the premises licence under Section 42 of the 2003 Act.

Resolved:

a) To reject the application for the following reasons:-

- Upon hearing the information submitted by the Responsible Authority (Chief Officer of Police), the Committee considered the Applicant's previous conduct which involved safeguarding issues in relation to young vulnerable minors.
- The Committee also noted that the Applicant had previously been the owner of a business where a transfer application was refused and a premises licence was revoked following a failed test purchase of alcohol and where illicit alcohol and tobacco were seized.
- In light of the Applicant's previous history and the seriousness of past incidents, it is clear that the Applicant has shown an inability to demonstrate that he is able to promote the crime prevention objective and has failed to show he is able to protect children from harm.
- The Sub-Committee had serious concerns that this would continue should the transfer application be granted.
- In addition, it is clear that the Applicant's understanding of the Licensing Act and Guidance is inadequate and the Applicant has previously failed to comply with the same. The Sub-Committee had serious concerns that the legislation would be further contravened.

This decision was made because the Committee were satisfied that these measures are necessary to satisfy the aforementioned licensing objectives, namely:

- Prevention of Crime and Disorder
- Protection of Children from Harm

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

5.3 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 10:00 am and finished at 11:10am