

**Meeting of: LICENSING COMMITTEE, SUB – COMMITTEE HEARING UNDER THE
LICENSING ACT 2003**

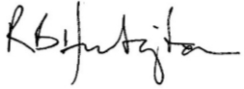
Date: 19th December 2024 **Time:** 10.00am

Venue: The Council Chamber, Futures Park, Bacup, OL13 0BB

Membership: 3 members of the Licensing Committee

Supported by: Carolyn Sharples, Committee and Member Services Manager, Tel: 01706 252422
or email CarolynSharples@rossendalebc.gov.uk

ITEM		CONTACT OFFICER
A.	BUSINESS MATTERS	<p>Carolyn Sharples, Committee and Member Services Manager, Tel: 01706 252422 or email CarolynSharples@rossendalebc.gov.uk</p>
A1.	Apologies for Absence and Notification of Substitutes	
A2.	<p>Declarations of Interest <i>Members are advised to contact the Monitoring Officer in advance of the meeting to seek advice on interest issues if necessary.</i></p> <p>Members are requested to indicate at this stage, any items on the agenda in which they intend to declare an interest. Members are reminded that, in accordance with the Local Government Act 2000 and the Council's Code of Conduct, they must declare the nature of any personal interest and, if the interest is prejudicial, withdraw from the meeting during consideration of the item.</p>	
B.	DECISIONS	<p>Marcus Asquith Public Protection Enforcement Officer marcusasquith@rossendalebc.gov.uk</p>
B1.	<p>Determination Hearing Application for the review of a premises license Rossendale Food & Booze 49 Newchurch Road Rawtenstall Rossendale Lancashire BB4 7QX</p>	



Rob Huntington
Chief Executive

Date Published: 11th December 2024

* This licensing authority will only allow licensing decisions to be taken by a minimum of three councillors. In the event of one member being unable to attend, their place will be substituted by another member taken from the membership of the full Licensing Committee or a suitably trained member. In the event of this substitution taking place all parties will be informed of the change of membership at the beginning of the hearing.

The Council Chamber is located on the 464 bus route (Lee Mill bus stop). The 464 bus runs between Accrington and Rochdale, calling at stops in Haslingden, Rawtenstall, Waterfoot, Bacup and Whitworth.

Report of:	Public Protection Enforcement Officer	Licence Type:	Review of Premises Licence
Report to:	Licensing Committee	Date:	19 th December 2024
Contact Officer:	Marcus Asquith	Telephone:	01706 252 575
Email:	marcusasquith@rossendalebc.gov.uk		

PREMISES DETAILS

Name:	Rossendale Food & Booze
Address:	49 Newchurch Road, Rawtenstall, Rossendale, Lancashire, BB4 7QX
Ward:	Hareholme and Waterfoot
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:

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

4. BACKGROUND

- 4.1 The premises subject to this review has been licensed since October 2006.
- 4.2 The premises licence was transferred to the existing licence holder School Street Mini Market Ltd on 28th October 2022.
- 4.3 The licence holder is a registered private limited company under company number 08288806
- 4.4 The premises licence authorises the following activities:

The sale by retail of alcohol:

Between 0800 hours and 2200 hours Monday to Sunday

The sale shall be for consumption **OFF** the premises.

- 4.5 The premises licence is appended at **Appendix A**.
- 4.6 The conditions imposed on the licence are limited and it should be noted that these conditions were imposed in 2006 and would now be considered out of date.
- 4.7 In April 2024, the Police became aware of reports of Anti-social behaviour involving young people around the Rawtenstall Market area, in particular, when the market was holding their 'Foodie Friday' events. The information received stated that the underage children were purchasing alcohol from Rossendale Food and Booze Store located at 49 Newchurch Road, Rawtenstall, BB4 7QX. This caused issues for the market and the surrounding areas, including meeting for arranged fights and an underage girl who had bought vodka from the store, ended up semi-conscious and sick.
- 4.8 On the 14th May 2024, Trading Standards of Lancashire County Council conducted underage sales test purchasing operation on Rossendale Food and Booze and a 14-year-old volunteer test purchaser attempted to buy alcohol and a knife. The test purchaser was asked for proof of age ID and did not produce any, but the seller declined a sale of alcohol but a knife was sold, which is an offence contrary to s141A of the Criminal Justice Act 1988.
- 4.9 On the 14th June 2024, PS 541 Dundon and an Authorised Officer from Rossendale Borough Council saw a group of young females leaving Rossendale Food & Booze with a heavy-laden bag. The girls were spoken to, and it was established that three 16 and 17 year old females had just been sold 6 cans of AU vodka from the premises. The staff member did not ask the children for any identification, and he was issued with a Fixed Penalty Notice for Disorder for the sale of alcohol to a person under the age of 18 years.
- 4.10 Following this incident, a meeting was arranged on 19th July 2024 for the, 23rd July 2024 at 1pm at the Council's offices. This was to discuss the concerns arising from two sales of age-restricted products to underage children in the space of a month. During the meeting, it become clear that the business was under poor management and oversight of the premises. The premises licence holder was asked to provide a plan to detail what he was going to do to address the issues, how he was going to do it, why he was going to do it and when it was going to be implemented. This information was to be provided to the Officers by 26th July 2024.
- 4.11 On the 26th July 2024, Rossendale Borough Council received an email from the premises licence holder in which a plan was outlined, and it was the view of the Police that the response was insufficient to address the concerns raised in the meeting on 23rd July 2024.
- 4.12 On the 11th October 2024, Lancashire Police with Lancashire Trading Standards using two girls aged 14 and 16 years old conducted a test purchase. The girls were sold a 700ml bottle of WKD. The seller received a Penalty Notice for Disorder again for the sale of alcohol and when he was asked about his training around underage sales, he stated that he had received training at the start of July when he first started working. He made no mention of anything since and there were also no records of him receiving any training.

5. Application

- 5.1 On the 30th October 2024, an application to review the premises licence was received by the Licensing Authority. This application was made by Lancashire Constabulary and it is appended at **Appendix B**.
- 5.2 The application is made on the grounds of three of the four licensing objectives, namely, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.
- 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 was advertised at the premises by way of a statutory blue notice for a consecutive period of 28 days. A notice was attached to the front door of the premises, on a drainpipe to the side of the business and on a further drainpipe on the other side of the business. The application was also advertised on the Council's website.
- 5.5 Members are guided to paragraphs 11.27, 11.28 and 11.29 of the statutory guidance issued under Section 182 of the Licensing Act which deals with specifically with reviews on this matter. That guidance being:

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:

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*

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.

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been

given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

7. REPRESENTATIONS

7.1 During the representation period, 3 relevant representations were received. One representation was from the Environmental Health department as a Responsible Authority. This representation supports the application for review and is appended at **Appendix C**.

7.2 The second representation was from Lancashire Trading Standards as a Responsible Authority. This representation supports the review of the premises licence and gives further information. This is appended at **Appendix D**.

7.3 The third representation was from the Licensing Authority as a Responsible Authority. This representation supports the review of the premises licence. This is appended at **Appendix E**.

8. OPTIONS

8.1 Members should always consider whether concerns raised can be overcome by the addition of conditions before refusing an application.

8.2 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:

- 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;
- 4) To revoke the licence;
- 5) To issue a warning (which must be written and given to the licence holder);
- 6) To take no further action. .

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 Review a Premises Licence
Appendix C	Representation – Environmental Health
Appendix D	Representation – Lancashire Trading Standards
Appendix E	Representation – Licensing Authority

Licensing Act 2003

Premises Licence**PL(A)00148****POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Off Licence**

49 Newchurch Road, Rawtenstall, Rossendale, Lancashire, BB4 7QX

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Sale of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Sale of Alcohol (Outdoors)**

Description	Time From and Time To
Monday to Sunday	08:00 - 22:00

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

Alcohol is supplied for consumption OFF the premises only.

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

School Street Mini Market Ltd
404 - 406 Newchurch Road, Stacksteads, Bacup, Lancashire, OL13 0LD

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

Company number 08288806

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOLMr Janayd Naim
[REDACTED]**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 Number: LPL/20/0857

Issued By: Pendle

Annex 1 - Mandatory Conditions

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.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in the above paragraph:

- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) “permitted price” is the price found by applying the formula-

$$P=D+(D \times V)$$

where—

- i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar

activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either—

- a) a holographic mark, or
- b) an ultraviolet feature.

The responsible person must ensure that:

- 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: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the

customer is made aware that these measures are available.

Where a premises licence authorises the exhibition of films:

Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where:

- a) the film classification body is not specified in the licence, or
- b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section:

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984.

Where a premises licence includes a condition that an individual must carry out a security activity:

Each individual in the premises to carry out a security activity must be licensed by the Security Industry Authority unless the premises or part of the premises where they are present are being used are wholly or mainly a restaurant or guest house, theatrical performances, plays or a Gaming Licence is for the time being in force in respect of those premises.

Annex 2 – Conditions imposed by virtue of being consistent with the operating schedule

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 Sunday.

Staff will be trained and aware of fire hazards, fire escapes, safety regulations and how to deal with children.

Any groups of persons who congregate outside the premises shall be asked to move on by members of staff.

Annex 3 – Conditions imposed by virtue of a determination hearing

No conditions imposed by virtue of a determination hearing as held by the Local Authority.

Annex 4 – Plans

Drawing number 01/09/049 dated September 2006 as held by the Local Authority refers.

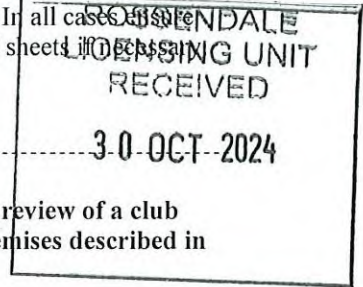
[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate 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 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 Police Sergeant 541 Stephen Dundon

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description			
ROSSENDALE FOOD AND BOOZE 49 NEWCHURCH ROAD			
Post town	RAWTENSTALL	Post code (if known)	BB4 7QS

Name of premises licence holder or club holding club premises certificate (if known)
SCHOOL STREET MINI MARKET LTD

Number of premises licence or club premises certificate (if known)
PL(A)00148

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below) ✓
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
PS541 Stephen Dundon Burnley Police Station Parker Lane Burnley Lancashire BB11 2BT	
Telephone number (if any)	██████████
E-mail address (optional)	████████████████████

This application to review relates to the following licensing objective(s)

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | ✓ |
| 2) public safety | |
| 3) the prevention of public nuisance | ✓ |
| 4) the protection of children from harm | ✓ |

Please state the ground(s) for review (please read guidance note 2)

Lancashire Constabulary is applying for a review of the premises licence as we believe that the prevention of crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm licensing objectives are being undermined at the premises due to repeated underage sales at the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

In April 2024 the Police became aware of reports of Anti-social behaviour involving young people around the Rawtenstall Market, particularly when they were holding their "Foodie Friday" events. The information received stated that that underage children were purchasing alcohol from the Rossendale Food and Booze Store at 49 Newchurch Road, Rawtenstall and causing issues on the Market and in the surrounding area, including meeting for arranged fights and one underage girl who bought a bottle of vodka from the store and ended up semi-conscious and sick.

On 14th May 2024 Lancashire County Council carried out an underage sales test purchasing operation at Rossendale Food and Booze, 49 Newchurch Road, Rawtenstall and a 14-year-old test purchasing volunteer attempted to buy alcohol and a knife. The test purchaser was asked for proof of age ID and did not produce any, but the seller declined a sale of alcohol but did sell a knife, which was an offence contrary to s141A of the Criminal Justice Act 1988.

On the 14th of June 2024, whilst on licensing enquiries in Rawtenstall, PS 541 Dundon and an Officers from Rossendale Council saw a group of young females leaving the premises with a heavily laden bag. The girls were spoken to, and it was established that three 16 and 17 year old females had just been sold 6 cans of AU vodka from the premises. The staff member did not ask the children for any identification, and he received a Penalty Notice for Disorder for the sale of alcohol to a person under the age of 18 years.

A meeting was arranged with the premise licence holder, the Police Licensing Officer and Rossendale Borough Council Licensing to discuss the concerns arising from two sales of age restricted products to underage children in the space of a month. The meeting took place on the 23rd July 2024 and it became clear in this meeting that there was poor management and oversight at the premises. The PLH was asked to provide a plan to detail what he was going to do to address the issues, how he was going to do it, why he was going to do it and when it was going to be implemented by. This was to be provided to the Officers by Friday 26th July 2024.

On 26th July 2024 an email was received by Rossendale BC from the Premises Licence Holder in which he detailed his plan, and it is the view of the Police that this response was wholly insufficient to address the concerns raised in the meeting on 23rd July 2024.

On the 11th of October 2024 a test purchase operation was conducted by Lancashire Police with Lancashire trading standards using two girls aged 14 and 16-years old. The girls were sold a 700ml bottle of WKD. The seller again received a PND for the sale of alcohol and when asked about his training around underage sales, he stated that he had received training at the start of July when he first started work but made no mention of anything since and there was no record of him receiving any training.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Stephen Dundon PS 541 Dundon

.....

Date

.....30/10/2024.....

.....

Capacity

.....Police Licensing.....

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 using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.

Marcus Asquith

From: Envhealth
Sent: 31 October 2024 11:02
To: Marcus Asquith; Dundon, Stephen
Cc: Susan Chadwick
Subject: Premises Licence Review Application - Rossendale Food and Booze
Attachments: Premises Licence Review Application - Rossendale Food and Booze.docx

Environmental Health support the Police on this application for a review of the premises Licence at 49 Newchurch Road, Rawtenstall
On 29th September 2024 we were notified of public nuisance/ASB issues in the vicinity of the premises and an allegation of under-age sales arising from this location.

We emailed Trading Standards on 1st October 2024 asking them to prioritise test purchasing at the premises and we're pleased to see it occurred on the 11th October 2024.

Looking at the history there's clear evidence of breaches of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm objectives.

Regards

Lorna Robinson CEnvH
Senior Environmental Health Officer

Rossendale Borough Council | The Business Centre | Futures Park | Bacup | OL13 0BB

E-Mail: lornarobinson@rossendalebc.gov.uk | Tel: 01706 217777 | [REDACTED] | [REDACTED]

Website: www.rossendale.gov.uk [Teams](#)



From: Dundon, Stephen <Stephen.Dundon@lancashire.police.uk>

Sent: 30 October 2024 15:06

To: Licensing Department <licensing@rossendalebc.gov.uk>; East Police Licensing <EastPoliceLicensing@lancashire.police.uk>; 'firesafetypenninearea@lancfirerescue.org.uk' <firesafetypenninearea@lancfirerescue.org.uk>; Envhealth <envhealth@rossendalebc.gov.uk>; Planning <planning@rossendalebc.gov.uk>; 'cypreferrals@lancashire.gov.uk' <cypreferrals@lancashire.gov.uk>; 'Intelligence.Management@lancashire.gov.uk' <Intelligence.Management@lancashire.gov.uk>; 'Public Health Licensing' <phlicensing@lancashire.gov.uk>; 'Alcohol@homeoffice.gov.uk' <Alcohol@homeoffice.gov.uk>; Middleton, Jason <Jason.Middleton@lancashire.gov.uk>; Manning, Lauren <Lauren.Manning@lancashire.gov.uk>

Cc: Jones, Michael <Michael.Jones@lancashire.police.uk>; Canavan, Phil <Phil.Canavan@lancashire.police.uk>

Subject: Premises Licence Review Application - Rossendale Food and Booze

EH misc-allocate to Lorna

.....
For info

Good Afternoon

Please find attached an application for a review of the Premises Licence under the Licensing Act 2003 in respect of Rossendale Food and Booze, 49 Newchurch Road, Rawtenstall, Lancashire, BB4 7QS.

Regards

Steve



Sergeant 541 Steve Dundon

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

t: Internal [REDACTED]

t: External 01282 472035

m: [REDACTED]



This message may contain information which is confidential or privileged. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments, without retaining a copy.

Lancashire Constabulary monitors its emails, and you are advised that any e-mail you send may be subject to monitoring.

This e-mail has been scanned for the presence of computer viruses.

THE LICENSING ACT 2003 - REPRESENTATION FROM RESPONSIBLE AUTHORITY

LANCASHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE

I am Jason Middleton, Principal Officer employed by Lancashire County Council Trading Standards Service.

I have delegated authority to exercise the County Council's powers and duties under relevant Trading Standards related Acts of Parliament and in this capacity to provide written and oral representations on behalf of the Lancashire County Council Head of Service for Trading Standards.

I make this statement using facts and matters within my own knowledge. Any facts and matters that are not within my own knowledge are true to the best of my knowledge and belief.

Lancashire County Council Trading Standards Service wishes to make representations in support of the application from Lancashire Police to review the premises licence at Rossendale Food & Booze, 49 Newchurch Road, Rawtenstall BB4 7QS.

On 23rd April 2024 Lancashire Trading Standards received intelligence from Lancashire Police which stated that on Good Friday evening, a 14-year-old female attended Rossendale Food & Booze and purchased a bottle of vodka. The female drank over half of it, rendering her semi-conscious and very sick.

On 30th April 2024 a complaint was received from a member of the public who claimed that his 16-year-old daughter had purchased alcohol from the premises and became paralytic after drinking it with friends. The complainant stated he believed that the sale of alcohol to minors was a regular occurrence at the store.

On the same day another member of the public reported witnessing the sale of alcohol to children as young as 13.

Rossendale Borough Council also contacted Trading Standards on the same day to report that they had received complaints relating to underage children drinking near Rawtenstall Market and the Foodie Friday events, and that the information suggested the source of the alcohol was Rossendale Food & Booze.

On 1st May 2024 an officer from Trading Standards visited the premises to discuss the recent complaints. A staff member was spoken to in person and the owner, Awais Pervaz, was spoken to over the phone. A Check 25 pack and posters were handed to the staff member to pass on to the owner and advice was given in relation to all age restricted products including alcohol, tobacco, and knives. A small quantity of non-compliant vapes were on display – advice was given to remove these from sale.

On 13th May 2024 Trading Standards received an email from Rossendale Borough Council to report the shop for having non-compliant vapes on display during a visit conducted by them on 9th May 2024.

On 14th May 2024 a test purchasing operation was carried out by Trading Standards and Lancashire Police as part of Operation Sceptre, which is a national operation aimed at tackling knife crime. A 14-year-old volunteer went into the premises and attempted to buy alcohol and a utility knife. The member of staff told the volunteer that she was too young to purchase the alcohol but then he sold the knife to her, which is an offence under the Criminal Justice Act 1988. A knife retailer pack was left with the member of staff. The owner's name was provided as Pervaz Iqbal.

On 17th June 2024 Sgt Dundon from Lancashire Police informed Trading Standards of an incident on 14th June where he had spoken to a group of 16- and 17-year-old females who stated that they had bought alcohol from the shop. The member of staff working in the shop at the time was issued with a penalty notice for disorder for the sale.

On 27th August 2024 the store applied for a storage licence for fireworks for the premises. The application was refused due to the multiple underage sales incidents that had occurred at the store.

On 11th October 2024 a test purchasing operation was conducted by Trading Standards and Lancashire Police using two female test purchasers aged 14 and 16. The test purchasers were sold a 700ml bottle of WKD at the store. The sale was witnessed by a Trading Standards Officer. Immediately after the sale the seller was spoken to by Police and Trading Standards and the seller was issued with a PND.

In the interest of fairness, I will also state that a test purchase attempt for knives was carried out at the store on 13th November 2023 using 2 volunteers aged 15 and 16. The sale was refused.

In the opinion of Lancashire County Council Trading Standards Service the information presented is evidence that the protection of children from harm licensing objective has been disregarded at the premises.

I reserve the right to bring further evidence to any hearing, should any arise between now and then.

I believe the contents of this statement to be true.

Signed:

A black rectangular redaction box covering the signature of the Principal Officer.

Date: 27/11/2024

Jason Middleton (Principal Officer)

4th Floor Lancashire Point
County Hall
Pitt Street
Preston
PR1 0LD

Contact telephone number: [REDACTED]
Email address: jason.middleton@lancashire.gov.uk

Marcus Asquith

From: Susan Chadwick
Sent: 26 November 2024 14:57
To: Licensing Department
Subject: Representation - Off Licence, 49 Newchurch Road, Rawtenstall

Under Section 3 of the Licensing Act 2003, the Licensing Authority is defined as the council of a district in England. A responsible authority is defined under Section 13 of the licensing Act 2003 as the relevant licensing authority.

Rosendale Licensing Authority as a responsible authority therefore submit a representation in respect of the application for a review submitted by Lancashire Constabulary in respect of the premises known as Rosendale Food & Booze situated at 49 Newchurch Road, Rawtenstall, Rossendale, BB4 7QX.

Around March 2024, whilst on evening duties, myself and PS 541 Dundon received informal reports from members of the public that underage children were obtaining alcohol in the Rawtenstall area which was then leading to issues of anti-social behaviour around the area and coinciding in particular around the days when the Rawtenstall Market's "Foodie Friday" events were held. Between this time and around April 2024, further information alleged that one of the premises responsible for underage sales was the premises subject to this review. As a result of this, the premises was highlighted as a venue for future test purchasing. Trading Standards conducted a test purchase in May of 2024 and whilst alcohol was refused on this occasion, an age restricted product; a knife, was sold to an underage child.

On 14th June 2024, whilst on evening duties, myself and PS 541 Dundon spotted a group of young females exiting the premises in question. They had a heavily laden bag in their possession. We approached and spoke to the females in question. Three of the group hurried on and left the scene before we could stop them. The remaining 3 were aged 16 and 17 years of age. The female carrying the heavy bag was found to have an already opened bottle of vodka and 6 cans of AU vodka inside. The females were asked about these and it was established that the cans had been sold to them from the licensed premises. The opened bottle of vodka was confiscated and disposed of at that time. The female confirmed that one of the shop keepers was usually always amenable to allowing them to purchase the alcohol without proof of age and that it wasn't the shop keeper working at this time. The parents of the female with the alcohol were contacted and came to the scene to pick her up.

We entered the shop and confirmed the same cans were available in the fridges for sale. The shop keeper was asked about the sale and he stated that he had asked the females for ID but couldn't remember what ID they showed him. PS 541 Dundon then left the premises to make enquiries with the female. I remained in the premises with the shopkeeper who then admitted that he hadn't asked them for ID. Upon PS 541 Dundon's return, the shopkeeper admitted to not having asked for ID stating that they always come in and always beg and plead and he got a little fed up with it and found it easier to make the sale rather than stand firm with the Check 25 policy. The shopkeeper was issued with a fixed penalty notice.

We then met with the premises licence holder on 23rd July 2024 to discuss the responsible retailing of alcohol. It quickly became clear at the meeting that management controls were not sufficiently robust and there appeared to be either a complete lack of training or deficient quality and depth to the training. The premises licence holder was asked to confirm how he would address the issues raised and prevent further underage sales. The premises licence holder responded as requested, however, it was my view that the response was insufficient to address the concerns as it lacked a level of detail and information expected.

A further test purchasing exercise was conducted on 11th October 2024 and the premises failed this test purchase. The relevant responsible authorities will make further submissions on this.

Regards,

Susan Chadwick
Public Protection Manager

Rossendale Borough Council | The Business Centre | Futures Park | Bacup | OL13 0BB

Email: susanchadwick@rossendalebc.gov.uk | Tel: 01706 217 777 | [Teams](#)

Website: www.rossendale.gov.uk



Please note, although I may send emails out of office hours, I do not expect a response outside normal working hours