

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

DATE OF MEETING: 19th December 2024

PRESENT: Councillors Gill (Chair), Royds and Bauld

**IN ATTENDANCE: Mr S Hussain, Legal Officer
Mr M Asquith, Public Protection Enforcement Officer
Ms S Chadwick, Public Protection Manager
PS S Dundon, Lancashire Constabulary (Applicant)
Mr J Middleton, Lancashire Trading Standards
Mr Pervaz Iqbal, Licence Holder**

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 REVIEW OF A PREMISES LICENCE FOR ROSSENDALE FOOD & BOOZE, 49 NEWCHURCH ROAD, RAWTENSTALL, ROSSENDALE, LANCASHIRE, BB4 7QX

4.1 The hearing procedure was followed.

4.2 The Chair asked the applicant (the Police), the licence holder and responsible authorities to introduce themselves.

4.3 All parties attended the hearing with regard to the application for the review of a premises licence for Rossendale Food & Booze, 49 Newchurch Road, Rawtenstall, Rossendale, Lancashire, BB4 7QX.

4.4 All parties consented to a public hearing.

4.5 The Public Protection Enforcement Officer presented the report.

4.6 The applicant (the Police) outlined their reasons for applying for a review of the premises licence.

4.7 Members asked questions of the applicant.

4.8 Clarification was provided.

4.9 The Chair read out the representation made by Environmental Health, as a Responsible Authority, in support of the review of the premises licence, who were not in attendance.

- 4.10 The Public Protection Manager and Lancashire Trading Standards, as Responsible Authorities, outlined their reasons in support of the review of the premises licence.
- 4.11 Members asked questions of the Responsible Authorities.
- 4.12 Clarification was provided.
- 4.13 The licence holder presented their case and responded to the representations made by the applicant and responsible authorities.
- 4.14 Members asked questions of the licence holder.
- 4.15 Clarification was provided.
- 4.16 The applicant, licence holder, Responsible Authorities and the Public Protection Enforcement Officer left the room whilst the Committee deliberated.
- 4.17 The applicant, licence holder, Responsible Authorities and the Public Protection Enforcement 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, and the Responsible Authorities and after giving proper consideration to the Licensing Objectives, we the Sub-Committee appointed under the Licensing Act 2003 have decided to take the following action on the review of the premises licence under Section 51 of the 2003 Act.

Resolved:

To revoke the premises licence for the following reasons:-

- Upon hearing the information submitted by the police and Responsible Authorities, it is clear that there have been a number of repeated incidents of underage sales of alcohol to children, which is a criminal offence. The Council takes this very seriously.
- It is clear that staff at the premises have undermined the licensing objectives, by failing multiple test purchases in which alcohol was sold to minors contrary to s146 of the Licensing Act 2003, and an age-restricted product, a knife, which was sold to an underage child contrary to the Criminal Justice Act 1967. This shows that the protection of children from harm is being disregarded at the premises. The failure to uphold this licensing objective is further highlighted by the fact that one of the incidents relating to the sale of alcohol to underage children, resulted in a child who drank over half a bottle of vodka, which rendered the child semi-conscious and very sick.
- The Sub-Committee notes that the above incidents have subsequently lead to issues of anti-social behaviour around the area, which involved intoxicated children, and this has affected local businesses.
- The Sub-Committee also notes that non-compliant vapes were on display at the premises which is illegal. It is clear that advice was given by Trading Standards to remove these. However, the advice was not

complied with as the non-compliant vapes were still on display thereafter.

- The Sub-Committee feel that there is insufficient management control at the premises. You have minimal presence at the premises. A licence holder has a significant level of responsibility in the day-to-day running of a business. You are under a legal obligation to ensure that all your staff are trained in all aspects of their job and a written record of the training must be retained. In particular, the 'Check 25' training must be completed by all members of staff and it is clear that you and your staff members have failed to complete the same. Based on the information before us and the representations that have been made today, it is clear that the 'Check 25' policy has not been implemented at the premises which is extremely concerning given that that you are the licence holder, the premises is an off-licence shop and alcohol is sold to young minors.
- The premises does not operate a responsible policy; you have failed to exercise the appropriate due diligence; there is no credible system to prevent underage sales of age-restricted products and there are also no measures in place to avoid harm to children and to prevent crime and disorder.
- Given the number of incidents; the circumstances surrounding the incidents and the fact that the matter involves safeguarding issues relating to young vulnerable minors, we the Sub-Committee consider that the seriousness of the incidents and the crimes committed against young children undermines the following Licensing Objectives:-
 1. The prevention of crime and disorder
 2. The protection of children from harm
 3. The prevention of public nuisance

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

5.3 There is a right of appeal for all parties before the Magistrates' Court within 21 days of the date of service of the Determination Notice.

The meeting commenced at 10.00am and finished at 12.00pm