

Licensing Act 2003 Sub-Committee

Wednesday, 28 September 2011

Present: Councillor Keith Iddon (Chair) and Councillors Doreen Dickinson and Steve Murfitt

Also in attendance: Councillors Zeynab Patel (Solicitor), Bob Beeston (Public Protection Officer) and Dianne Scambler (Democratic and Member Services Officer)

11.LAS.07 APOLOGIES FOR ABSENCE

No apologies for absence were received.

11.LAS.08 DECLARATIONS OF ANY INTERESTS

There were no declaration of any intrests.

11.LAS.09 APPLICATION FOR THE REVIEW OF A LICENCE - T & S CONVENIENCE STORE, 76 - 78, MARKET STREET, CHORLEY

The Licensing Sub Committee considered an application made by Lancashire Constabulary and Lancashire Trading Standards to review a premises licence and a hearing was convened under section 52 of the Licensing Act 2003.

The Sub Committee carefully considered the applications and the written and verbal representations made by representatives from the Lancashire Constabulary, Lancashire Trading Services, the Council's Public Protection Officer and the Premises Licence holders legal representative.

The Sub Committee also took into account the guidance issued under Section 4 of the Licensing Act 2003, its Statement of Licensing Policy and the amended guidance issued by the Secretary of State under Section 182 of the Act, in particular those paragraphs referred to in the report, the Licensing Objectives and the Human Rights Act implications including Article 6, Article 8 and Article 1 of the First Protocol.

The Sub Committee were of a view that it was necessary and proportionate to remove the Designated Premises Supervisors because the management failings of the premises directly reflected the poor operation of the business and the licensing objectives being undermined. The Committee considered that the Designated Premises Supervisors had been given the opportunity to comply with the licensing conditions again when the last Magistrates' Appeal was concluded, however they had repeatedly failed to manage the premises and had breached the conditions.

The Sub Committee did not feel that they were fit and proper persons to manage licensed premises as the evidence demonstrated the irresponsible way in which the premises operated. Therefore Members were confident that the removal of the Designated Premises Supervisors' was an adequate response to the problems presented.

In addition the Sub Committee were of the view that the Premises Licence should be revoked for the following reasons:

- 1) It was necessary for the promotion of the licensing objectives as the evidence put before the Members proved that the licensing objectives were being undermined significantly.

- 2) It was felt that any additional conditions would not satisfy the public safety concerns and the potential harm to children.
- 3) The selling and permitting sale of alcohol to under 18's – criminal offence – evidence of Trading Standards and Police test purchases.
- 4) That despite being given extra advice, guidance and support the premises licence holder and designated premises supervisors' had failed to implement the additional measures imposed on the licence, particularly in relation to the training of staff which had then resulted in a number of conditions being breached on the licence and insufficient record keeping;
- 5) Members were disappointed that the premises had been reviewed before on the same issues and had been given every opportunity by the Committee and relevant officers to meet the licensing objectives;
- 6) The licence holder had been given every opportunity to explain and question the conditions breached as set out at Appendix F of the report but accepted that they had not complied with the conditions;
- 7) The Trading Standards Officer had advised that the licence holder had failed to attend an age restrictive training course;

Members considered the financial effects on the sale of the business but felt that this did not outweigh the need to safeguard the public safety and it was in the public interest to resolve the existing problems with the premises licence so that the Licensing objectives were met.

The Sub Committee also gave due regard to the draft Conditions proposed by the licence holder's legal representative. The Police confirmed that they were not prepared to accept the conditions and the Council's Licensing team and the Trading Standards Officer concurred that the conditions would not wholly remedy the problems at the premises and would cause difficulties with enforcement.

The Sub Committee – **RESOLVED to revoke the premises licence and remove the Designated Premises Supervisors of T&S Convenience Store for the reasons stated above.**

Chair