

# Licensing Act 2003 Sub-Committee

Thursday, 20 September 2012

**Present:** Councillor Marion Lowe (Chair) and Councillors Adrian Lowe and Alan Platt

## 12.LAS.19 APOLOGIES FOR ABSENCE

In the absence of Councillor Matthew Crow, Councillor Adrian Lowe sat on the Sub Committee.

## 12.LAS.20 DECLARATIONS OF ANY INTERESTS

No declarations were received.

## 12.LAS.21 APPLICATION FOR PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003: SUPANEWS

The Licensing Sub Committee considered the application for the granting of a premises licence, made by Mohammed Gangat of 9, Arno Street, Frenchwood, Preston PR1 3QR in respect of Supanews of 9, Chapel Street, Chorley PR7 1BN, in light of representations made by Lancashire Constabulary in relation to the application.

The Sub Committee heard the application in the absence of the applicant and voiced their disappointment at his non-attendance, however they carefully considered his application, taking into account the written and verbal representations from all parties, including an email of 19 September 2012 from the applicant, Mr Gangat.

The Sub Committee have also taken 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 Licensing Officers report, the Licensing objectives and the Human Rights Act implications including Article 6, Article 8 and Article 1 of the First Protocol.

On that basis the Sub Committee:

**RESOLVED to refuse the application as it undermines the prevention of crime and disorder and protection of children from harm licensing objectives.**

**The Sub Committee heard from the police that the applicant demonstrated a very poor attitude towards the licensing requirements and a lack of understanding and commitment in respect of the licence. It was brought to Members attention that whilst at the premises, interviewing the applicant, the police witnessed the sale of tobacco to a person who appeared to be young, without challenge for ID. It became clear that the person was in fact 17 years of age, when the police challenged them. The applicant stated that the young person was known to him and had produced ID when requested previously, however the applicant was not able to evidence any record keeping of any challenges.**

**Based on the representations the Sub Committee was not impressed with the applicant's lack of management of records and irresponsible regard to policies and procedures which should already be in place for the sale of underage**

**products. The Sub Committee expressed their concerns about potential future sales to underage people.**

**The Sub Committee considered the fact that a responsible Designated Premises Supervisor (DPS) was not in place at the premises. The Sub Committee felt that a fit an proper person should act as DPS to manage a licensed premises and based on the evidence of the irresponsible way in which the premises currently operates, the absence of a competent and appropriately trained DPS undermined the Crime and Disorder objective and they considered that the applicant was not a suitable candidate for such a role.**

**The Sub Committee had concerns about the working relationship between the applicant and the police, as the representations from the police and the applicant's response in his email, highlighted the applicant's negative approach towards uniformed police officers present in his shop. The Sub Committee emphasised the importance of improving this relationship in the future with the relevant crime prevention agencies.**

**To promote the licensing objectives, in particular, the crime and disorder objective, the Sub Committee considered the installation of the necessary CCTV equipment, reasonable management controls and procedures to be paramount, for the deterrence and prevention of crime and disorder.**

**The Sub Committee gave due regard to the lack of measures in place to satisfy the licensing objectives and determined the refusal of the licence was necessary and proportionate in light of all the evidence and representations.**

Chair