
LICENSING SUB COMMITTEE

Tuesday, 31st January, 2023

Present: Councillor Terry Hurn (in the Chair), Councillors June Harrison and Bernard Dawson MBE

Apologies Councillor Jodi Clements

268 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

An apology for absence was submitted on behalf of Councillor Jodi Clements. Councillor Dawson acted as a substitute for Councillor Clements. There were no interests or declarations of interest submitted at the meeting.

269 Minutes of the Last Meeting Held on 22nd March 2022

The Minutes of the last meeting held on 22nd March 2022 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

270 Licensing Hearing Procedure

The Council's Licensing Hearing procedure to be used in relation to the hearing, required under the Licensing Act, was submitted for noting.

271 Licensing Act 2003 Determination Hearing - Nawaz Food Store & Off Licence, Eddleston Street, Accrington

In accordance with the Hyndburn Borough Council policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager (Mrs Redfern) advised the Licensing Sub-Committee of the details of an application to review a Premises Licence relating to Nawaz Food Stores and Off Licence, 1 Eddleston Street, Accrington, Lancashire, following the submission of an application under Section 51 of the Licensing Act 2003 ('the Act') by a responsible authority namely Lancashire Constabulary.

A copy of the Licensing Authority's Conduct of Hearings had been circulated prior to the meeting with the agenda.

The Licensing Manager provided the Committee with the historical background of Mr Nawaz' provision of a Premises Licence which was issued in 2005. She reported that Mr. Mohammed Nawaz was the Designated Premises Supervisor at the time of the application and still is currently. She reported that the premises benefited from the licensable activity of 'the Supply of alcohol for consumption off the premises. Monday to Saturday 0800 – 2300 and Sunday 0800 – 22.30'. She referred Committee to the appendices attached to the agenda:

Appendix 1 – current licence

Appendix 2 – review application

Appendix 3 – a representation from Lancashire County Council Trading Standards

The Licensing Manager advised the Committee on the steps that they could take after considering the application, as set out in 5.2 of the report.

Representatives of Lancashire Constabulary, PS Hennighan and PC Needham were present at the meeting and outlined the reasons why they had submitted the application for review of the licence.

A representative of Lancashire County Council Trading Standards was also present at the meeting and submitted their representations.

The representations received from Lancashire Constabulary and Lancashire County Council Trading Standards both outlined how alcohol and tobacco had been sold under the age of restriction. They outlined how continued attempts to work with Mr. Nawaz to improve standards had failed and that he had made no effort to undertake the necessary training or adhere to their advice. It was considered that there had been a serious failure to meet the licensing objectives relevant to the Protection of Children from Harm.

The Sub-Committee in considering the application, took into account representations made by Lancashire Constabulary and Lancashire County Council, Trading Standards. It also had regard to its own Licensing Policy and the statutory guidance, as mentioned in Section 52(4) of the Licensing Act 2003. The latest Home Office guidance was issued in December 2022 and referred to paragraphs 11.27 (the prevention of criminal activity), 11.28 (responsible authorities to use the review procedures effectively to deter such activities and crime and 11.29 (the persistent selling of alcohol to children).

Resolved

- **That, having taken into account Section 52(4) of the Licensing Act 2003 and after careful consideration of the representations made by Lancashire Constabulary, Lancashire County Council Trading Standards and the premises licence holder, the Licensing Sub-Committee expressed concern about the history of incidents at the licensed premises and the persistent failure to improve standards. The Committee determined to revoke the licence.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed