

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

**DATE OF MEETING: 29<sup>th</sup> November 2016**

**PRESENT: Councillors Hughes (Chair), Eaton and M Smith**

**IN ATTENDANCE: Ms C Birtwistle, Legal Advisor  
Mrs A Wrench, Trainee Solicitor  
Ms S Chadwick, Enforcement Officer  
Mrs J Cook, Hearing Administrator  
Miss G Ashton, Hearing Administrator  
Mr S A Ahmed, Applicant  
Ms G Sherratt, Licensing Matters, Applicant's  
Representative  
Mrs M Bent, Interested Party  
Dr D S Hemsall, Interested Party  
2 Attending with Interested Party**

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**1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies for absence; all Councillors were present.

**2. CHAIRMAN'S INTRODUCTION**

The Chair welcomed all parties to the meeting and asked the members of the Sub-Committee and Council Officers to introduce themselves.

The Chair asked the Applicant, the party attending with the Applicant and the Interested Parties to introduce themselves.

**3. DECLARATIONS OF INTEREST**

No declarations were made.

**4. APPLICATION FOR A PREMISES LICENCE  
AT: 801 BURNLEY ROAD, CRAWSHAWBOOTH, BB4 8BW**

**Preliminary Matters**

4.1 The Legal Representative asked all parties whether anyone wished to withdraw their representations or produce any further evidence. It was confirmed that no parties wished to withdraw their representations.

4.2 The members of the panel were advised by the Legal Advisor as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the licensing objectives, being:-

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance

#### 4. The protection of children from harm

4.3 Members were also advised of their duties in carrying out those functions in relation to:-

- a) the Council's published Statement of Licensing Policy
- b) the guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003.

4.4 Also the duty under Section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of the licensing function and the need to prevent crime and disorder.

4.5 The panel also had due regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

#### 5. HEARING PROCESS

5.1 The Licensing Officer presented the report which detailed an application for a premises licence, submitted by Shabaz Alam Ahmed.

5.2 The application requested the supply of alcohol between 7am and 11pm, Monday to Sunday which would be consumed off site.

5.3 The Licensing Officer noted that representations had been received from local residents and Limey Valley Residents Association. The representations were deemed to be valid and were received within the statutory period. Several people who had submitted valid representations requested that Limey Valley Residents Association and Mrs M Bent speak on their behalf.

5.4 An objection had been received from the Police but had subsequently been withdrawn after speaking to the applicant and agreeing to added conditions.

5.5 Supporting information received in advance of the hearing by both parties had been provided to the panel prior to convening the hearing.

5.6 The Licensing Officer made the panel aware of concerns by local residents that heavily discounted alcohol would be sold, however the panel were reminded that if granted, the licence would have a mandatory condition applied to it in respect of minimum pricing.

#### **The Applicant**

5.7 Ms Sherratt addressed the Committee on behalf of the applicant and stated that Mr Ahmed had many years of experience in this line of work. He currently ran a Premier convenience store in Padiham and was looking to replicate this at 801 Burnley Road.

5.8 Mr Ahmed was looking to supplement the premises with a cash machine and a wide range of goods and services for local people.

- 5.9 Alcohol would be purchased from Booker, a reputable company used by Premier and would not be heavily discounted. Challenge 25 would be adhered to and a notice would be displayed about proxy selling.
- 5.10 A fully digitalised CCTV system would be installed inside and outside the premises and would be available to view for 28 days. Staff training would be fully documented and it was proposed that refresher training take place every three months.
- 5.11 After speaking to the applicant, the Police were satisfied with the application and were not concerned with the opening times.
- 5.12 Residents' concerns that the premises would attract youngsters were speculation.
- 5.13 Members asked questions of the applicant and clarification was given:-
- The ginnel behind the shop was un-adopted and not gated. It was not the responsibility of the premises owner.
  - Parking and the delivery of goods could not be considered as representations.
  - Cheap alcohol would not be sold and would be purchased from a reputable supplier.
  - The increase in litter could be overcome by installing litter bins and shop staff patrolling the area.

### **Interested Party**

- 5.14 Mrs Bent and Dr Hemsall representing the Limey Valley Residents Association addressed the Committee on behalf of the local residents. They expressed concerns regarding moving and standing traffic. They felt that delivery drivers and people using the cash machine would park on double yellow lines making the area hazardous.
- 5.15 The proposed opening times were double the previous business opening hours and were unsociable.
- 5.16 Concerns were raised regarding the increase in litter for the residents.
- 5.17 The very young attending nursery and primary school needed protecting and teenagers who would have easy access to alcohol. Youngster may start to congregate in the secluded area behind the shop to drink alcohol.
- 5.18 It was felt the premises were unnecessary and 98% of the 50 households visited were against the proposal.

## **6. FINAL STATEMENTS**

- 6.1 Ms Sherratt stated that only one view point had been put forward from those residents canvassed. The convenience store hours were standard and would sell various types of goods including alcohol. The proposals upheld the licensing objectives. The planning application would be dealt with separately. The Police did not object to the application and residents had the power to review the license if there were issues.

6.2 Dr Hemsall stated that the shop was the wrong type in the wrong place. A further convenience store was not needed. Once the Funeral Directors had been potentially converted, the whole area would be completely residential.

6.3 The Applicant, the Applicant's Representative, the Interested Parties and the Licensing Officer left the room to enable Members to determine the application. The Legal Advisor, Hearing Administrators and Trainee Solicitor remained in the room with Members to provide legal advice and record the decision. All attendees would return to the room for the decision.

## 7. DETERMINATION

7.1 In determining the application, the panel gave consideration to the following:-

- Access to CCTV footage should be to Authorised Officers as well as the Police.
- Refresher training on the CCTV should be at least annually.
- Documentation on CCTV training should be retained for a period of 6 years.
- The ginnel at the rear of the premises.
- The increase of litter in the area.

## 8. DECISION

8.1 After giving consideration to all the written and verbal representations made by the applicant and the interested parties; and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action on the application under Section 18 of the 2003 Act.

### **Resolved:**

That the application for the premises licence be granted subject to conditions already imposed on the licence and conditions imposed by this hearing which are as follows:

1. All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:
  - A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
  - Photo driving licence
  - Passport
  - Citizen card supported by the Home Office
  - Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder.
2. A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
3. Use of CCTV both within and outside the premises. CCTV shall be installed in the premises in compliance with any reasonable

requirement of the Police and authorised Officers. Images will be retained for a minimum of 28 days and will be available to the Police and Authorised Officers upon request. Members of the management will be trained in the use of the system.

4. All relevant staff will be trained in relation to the licensing objectives so as to reduce crime & disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Regular refresher training to be undertaken at least annually. All training will be documented and will be made available to an authorised officer upon request and retained for a period of 6 years.
5. Adequate waste receptacles for use by patrons shall be provided in the vicinity of the premises. The positioning of the receptacles shall be agreed by the Council and the responsibility of disposing of the collected waste shall rest with the Licensee.

The additional conditions are considered necessary to promote the following licensing objectives:-

- Prevention of Crime & Disorder
- Protection of Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

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

There was a right of appeal for all parties before the Magistrates' Court which must be exercised within 21 days of service of the Decision Notice.

**The meeting commenced at 10.15am and finished at 11.10am**