

**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE
HELD AT NELSON TOWN HALL
ON 10TH OCTOBER, 2018**

PRESENT –

Councillors

*M. Iqbal (Substitute)
D. E. Lord
B. Newman
J. Purcell
K. E. Shore
K. Turner
S. Wicks*

Officers in attendance

<i>D. A. Talbot</i>	<i>Solicitor, Burnley Borough Council</i>
<i>A. Smith</i>	<i>Licensing Administration Officer</i>
<i>L. Rowland</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillors N. Ahmed, L. Crossley, P. McCormick, M. Sakib and G. Waugh.)



1. APPOINTMENT OF CHAIRMAN

RESOLVED

That Councillor K. Turner be appointed Chairman of this Committee for the municipal year 2018/19.

Councillor K. Turner (Chairman – in the chair)

2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

That Councillor B. Newman be appointed Vice-Chairman of this Committee for the municipal year 2018/19.

3. DECLARATION OF INTERESTS

Members were reminded of the legal requirements concerning the declaration of interests.

4. MINUTES

RESOLVED

That the Minutes of the meeting held on 22nd August, 2018 be approved as a correct record and signed by the Chairman, subject to the addition of Councillor K. E. Shore's apologies.

**5. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003
JEAN AND PETER'S OFFY, 117 REGENT STREET, NELSON**

The Planning, Building Control and Licensing Services Manager submitted a report which asked Members to consider a review application made by Lancashire County Council (LCC) Trading Standards Service on 20th August, 2018 in relation to continued breaches of the crime and disorder licensing objective.

A representation had been made by Pendle Borough Council's (PBC) Licensing Enforcement Officer on behalf of the Licensing Authority in full support of the application for review.

Rick Wilson (LCC Trading Standards Service), Lauren Manning (LCC Trading Standards Service), Mick Armfield (PBC Licensing Enforcement Officer), G. Sherratt (Licensing Matters Ltd) and Arfan Zafar (Premises Licence Holder) attended the hearing.

RESOLVED

That, having listened to the representations made, the Premises Licence numbered PEN(A)0129 granted under the Licensing Act 2003 in respect of "Jean & Peter's Offy" 117 Regent Street, Nelson be revoked.

REASON

- (a) On 19th July 2010 two pouches of Golden Virginia tobacco with incorrect health warnings were purchased from the premises. The current licence holder (Arfan Zafar) was the Company Director of AIZ Stores Ltd at the time. The company accepted a simple caution in January 2011 in respect of the matter;**
- (b) On 13th February 2014 Trading Standards seized 535 packets of illicit cigarettes and 115 pouches of tobacco with incorrect health warnings from the premises. On 8th September 2014 Imran Zafar (the brother of the Arfan Zafar) was convicted of two offences related to that seizure;**
- (c) On 21st May 2018 an illegal over-stayer was discovered working at the premises during the course of an inspection by the Pendle Borough Council Licensing and Immigration;**
- (d) On 17th July 2018 Trading Standards carried out an inspection of the premises whilst Imran Zafar was present. Five packets of cigarettes bearing incorrect health warnings were discovered in Imran Zafar's car which was parked outside the front of the shop;**
- (e) During the same inspection of the premises thousands of cellophane wrappers, unused branded tobacco packaging, security seals and loose tobacco in large bags were found in a room on the upper floor. 51 sealed packs of improperly labelled rolling tobacco were also found on the upper floor. Imran Zafar denied all knowledge of the tobacco and claimed that it must belong to the tenants (an elderly Polish couple) who lived upstairs. The Committee do not accept this explanation as one of the tenants had confirmed that they didn't have use of the room in which the tobacco was stored. Furthermore, a purchase invoice for the business was found with the**

tobacco and a pack of Amber Leaf tobacco was found in Imran Zafar's possession which was identical to those being packaged on the upper floor. The Committee do not accept the explanation given by Imran Zafar that he had found the package on the floor during the course of the inspection and had put it in his pocket;

- (f) Paragraph 11.27 of the government guidance issued under section 182 of the Licensing Act 2003, which has been considered in accordance with the licensing authority's duty under section 4(3) of the Act, advises that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. These include use of the licensed premises for "the sale or storage of smuggled tobacco and alcohol". In respect of such offences, the guidance envisages that licensing authorities will use review procedures effectively in order to deter such activities and crime and that revocation, even in the first instance, should be seriously considered;***
- (g) The unsatisfactory outcome of the inspection on 17th July 2018 showed that unacceptable activities had continued notwithstanding the previous caution and convictions;***
- (h) The Committee has sympathy with the licence holder and his family in relation to the personal circumstances set out but do not feel that this satisfactorily explains or excuses the matters that have arisen in connection with the licensed premises as it remained within his capability to either properly manage the running of the premises or to transfer the premises licence to another person if the management of the premises was more than he could cope with at the time;***
- (i) Consideration has been given to all the powers available to the licensing authority under Section 52(4) of the Act and concludes that:***

revocation of the licence is both necessary and proportionate in the circumstances.

Chairman _____