

DS Sheralyn Melton (Engage Team, Lancashire Constabulary), PC Michael Jones (Police Licensing Officer, Lancashire Constabulary) and Mick Armfield (PBC Licensing Enforcement Officer) attended the hearing. The Premises Licence Holder had been notified of the hearing, but was not present.

RESOLVED

That, having listened to the representations made, the Premises Licence numbered PEN(N)0289 granted under the Licensing Act 2003 to UK Fried Chicken, 84 Manchester Road, Nelson be revoked.

REASON

1. ***On 6th December 2019, a joint visit between the Licensing Authority and Lancashire Constabulary found that licence conditions were not being adhered to. Those conditions being: -***
 - i) ***Members of staff shall receive on-going training in relation to their responsibilities in respect of Licensing Act 2003 (staff confirmed that they had received no training)***
 - ii) ***The holders of the premises licence and staff members shall adhere to all fire and health and safety regulations***
 - iii) ***Firefighting equipment and first aid equipment shall be maintained at the premises (no fire blanket or fire extinguisher and the contents of the first aid box were inadequate)***
 - iv) ***Children shall be accompanied by a responsible adult whilst in the premises (unaccompanied children were seated in the take-away at the commencement of the visit)***

In addition, the summary of the premises licence was not displayed in order to comply with section 57(3)(a) Licensing Act 2003 and a male was working in the premises with no permission to work in the UK.

2. ***On 16th January 2020, officers from the Police Engage Team discovered amongst other things that the same asylum seeker from the previous visit was still working at the premises and there were fire safety hazards as the upstairs room appeared to be being used for sleeping purposes. A male was arrested for an alleged sexual assault.***
3. ***On 6th March 2020, the Licensing Authority and Lancashire Constabulary conducted a visit and found that the premises were continuing to employ a person who had been arrested and bailed in connection with an alleged sexual assault, placing vulnerable children at risk.***
4. ***It was evident from all the visits that Mr Nighat Shaheen, the Premises Licence Holder had no day to day involvement in the running of the business, but it was being run by Mr Chouhdry Amjad Mahmood.***
5. ***There is intelligence to suggest that grooming was taking place at the premises and that vulnerable children were being given access to the flat at the premises where they were given gifts.***

6. ***Paragraphs 11.27 and 11.28 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 the use of licensed premises by organised groups of paedophiles to groom children and for employing a person who is disqualified from that work by reason of their immigration status in the UK.***
7. ***In respect of such offences, the guidance envisages that licensing authorities, the Police, the Home Office and other law enforcement agencies, which are responsible authorities, will use review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.***
8. ***The matters set out in the paragraphs above had and/or have the effect of undermining the licensing objective of the prevention of crime and disorder, public safety and the protection of children from harm.***
9. ***In those circumstances it is considered that revocation of the licence serves to promote the crime prevention objective, public safety objective and the prevention of children from harm objective.***
10. ***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.***

8. **EXCLUSION OF PUBLIC AND PRESS**

RESOLVED

That in pursuance of the power contained in Section 100(A)(4) of the Local Government Act 1972 (as amended) the public and press be excluded from the meeting during consideration of the next item of business on the grounds that if a member of the public and press were present during consideration of the item, there would be disclosure to them of exempt information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

9. **145-147 LEEDS ROAD, NELSON**

It was reported that, at a meeting of the Licensing Committee on 13th January, 2020 a decision was taken to revoke the licence at 145-147 Leeds Road, Nelson. This decision had been appealed by the licence holder.

The Planning, Economic Development and Regulatory Services Manager submitted a report which informed the Committee of further information and advice received in relation to the case. In view of this further information the Committee was recommended to agree that Pendle withdraw from the appeal.

RESOLVED

Licensing Committee (13.07.2020 – 11.30 a.m.)

That this Committee -

- (1) acknowledges the legal advice received;
- (2) agrees for Pendle to withdraw from the appeal.

REASON

In order to recognise the prospect of a successful defence of the case is low and to minimise any further costs.

CHAIRMAN: _____