

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD ON 29th JULY, 2021
AT NELSON TOWN HALL**

PRESENT –

Councillor J. Purcell (Chairman – in the Chair)

Councillors:

*F. Ahmad
M. Aslam
K. McGladdery*

Officers in attendance:

<i>W. Iqbal</i>	<i>Licensing Officer (Pendle Borough Council)</i>
<i>E. Barker</i>	<i>Principal Legal Officer (Burnley Borough Council)</i>
<i>M Ali</i>	<i>Licensing Administration Officer (Pendle Borough Council)</i>
<i>J. Watson</i>	<i>Head of Democratic Services</i>

Observers:

M. Wiggin *Burnley Borough Council*

(Apologies for absence were received from Councillors E. Ansar, M. Hanif, D. Harrison and D. Lord.)



8. DECLARATIONS OF INTEREST

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

9. MINUTES

RESOLVED

That the Minutes of the meeting held on 18th June, 2021 be approved as a correct record and signed by the Chairman.

**10. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
 AT THE BEER HUT, 193 BARKERHUSE ROAD, NELSON**

The Planning, Economic Development and Regulatory Services Manager submitted a report which asked members to consider an application to review a Premises Licence at the Beer Hut, 193 Barkerhouse Road, Nelson under the Licensing Act 2003. Representations had been made by Pendle Borough Council (Licensing), Lancashire Constabulary and Lancashire County Council Trading Standards under the 'Prevention of Crime and Disorder' and 'Protection of Children from Harm' licensing objectives.

The application had been submitted by Pendle Borough Council's Licensing Section.

The Members and all relevant parties had received a copy of the report which included a copy of the application and the representations received.

Mr. Iftexhar Hussain Shah the current Premises Licence Holder/DBS attended the hearing along with Mr. Arshad Javed the prospective Premises Licence Holder/DBS, Mr. Sameh Rashid and Mr. Subhan Javed.

Also in attendance were Mr. Sam McConnell (LCC Trading Standards) PC Michael Jones and Mr. Wajed Iqbal (Pendle Borough Council Licensing) who had made representations. CCTV footage and web cam recordings were also shown which provided evidence of the breaches of the conditions relating to the Premises Licence Holder/DBS.

RESOLVED

That, having listened to the representations made with regard to the application to review the Premises Licence numbered PEN(A)0393 under the Licensing Act 2003 in respect of the Beer Hut, 193 Barkerhouse Road, Nelson the application be **REVOKED** for the following reasons:

- (a) On at least two occasions in April, 2021 alcohol stolen from supermarkets was found for sale in the shop.
- (b) On 21st May, 2021 alcohol was sold to a youth without age verification being requested.
- (c) The conditions on the Premises Licence in relation to the provision to officers and storage of CCTV footage have been breached meaning that officers could not properly carry out their duties.
- (d) The Premises Licence Holder/DPS, Mr. Shah, admitted that he wasn't in control of the premises, was just a front and the business was run by someone else.
- (e) The matters set out in the paragraphs above had and/or have the effect of undermining the licensing objectives of the Prevention of Crime and Disorder and Protection of Children from Harm.
- (f) In those circumstance it was considered that revocation of the licence serves to promote the above objectives.
- (g) 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 both necessary and proportionate in the circumstances.

11. VARY A DESIGNATED PREMISES SUPERVISOR AND TRANSFER APPLICATION FOR A PREMISES LICENCE AT THE BEER HUT, 193 BARKERHOUSE ROAD, NELSON

The Planning, Economic Development and Regulatory Services Manager submitted a report asking Members to consider varying a Designated Premises Supervisor and the transfer of a Premises Licence Application for the Beer Hut, 193 Barkerhouse Road, Nelson. Representations had been made by Sergeant Gary Hennigham (Lancashire Constabulary) under the Prevention of Crime and Disorder licensing objective.

The application had been submitted by Mr. Arshad Javed.

The Members and all relevant parties had received a copy of the report which included a copy of the application and the representations received.

Mr. Arshad Javed the prospective Premises Licence Holder/DPS was in attendance with Mr. Shah (current Premises Licence Holder/DPS) Mr. Sameh Rashid and Mr. Subhan Javed.

Also in attendance at the hearing was PC Michael Jones who made representations as well as Mr. Wajed Iqbal (Pendle Borough Council Licensing) (as an observer).

RESOLVED

- (1) The application to transfer Premises Licence number PEN(A)0393 granted under the Licensing Act 2003 in respect of the “Beer Hut” 193 Barkerhouse Road, Nelson to Mr. Arshad Javed be **REFUSED** for the following reasons:
 - (a) On two occasions in April, 2021 alcohol stolen from supermarkets was found for sale in the shop.
 - (b) On 21st May, 2021 alcohol was sold to a youth without age verification being requested.
 - (c) The conditions on the Premises Licence in relation to the provision to officers and storage of CCTV footage have been breached meaning that officers could not properly carry out their duties.
 - (d) 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.
 - (e) The Committee believe that the transfer of the Premises Licence would not resolve issues encountered at the shop as Mr. Javed has been heavily involved at the shop since November, 2013 and has an active influence on the way things are run. Mr. Javed has been heavily involved with the day to day running of the premises and also has to take some of the responsibility for problems encountered.
 - (f) Consideration has been given to all the powers available to the licensing authority under Section 44(5) of the Act.
 - (g) In those circumstances it is considered that refusal of the transfer of the Premises Licence to Mr. Javed is appropriate to promote the Prevention of Crime and Disorder Objective.
- (2) The variation application for Premises Licence number PEN(A)0393 to specify an individual as the Designated Premises Supervisor, namely Mr. Javed Arshad, be **REFUSED** for the following reasons:
 - (a) On two occasions in April, 2021 alcohol stolen from supermarkets was found for sale in the shop.
 - (b) On 21st May, 2021 alcohol was sold to a youth without age verification being requested.

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- (c) The conditions on the Premises Licence in relation to the provision to officers and storage of CCTV footage have been breached meaning that officers could not properly carry out their duties.
- (d) 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.
- (e) The Committee believe that the change of Designated Premises Supervisor would not resolve issues encountered at the shop as Mr. Javed has been heavily involved at the shop since November, 2013 and has an active influence on the way things are run. Mr. Javed has been heavily involved with the day to day running of the premises and also has to take some of the responsibility for problems encountered.
- (f) Consideration has been given to all the powers available to the licensing authority under Section 39 of the Act.
- (g) In those circumstances it is considered that refusal of the variation to specify Mr. Javed as the Designated Premises Supervisor is appropriate to promote the Prevention of Crime and Disorder objective.

CHAIRMAN _____