

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD ON 13TH MARCH 2025
AT NELSON TOWN HALL**

PRESENT –

Councillor Y. Tennant (Chair)

Councillors:

*S. Ahmed
D. Gallear
D. Lord
K. Salter*

Officers in attendance:

<i>W. Iqbal</i>	<i>Licensing Officer</i>
<i>R. Lonsdale</i>	<i>Licensing Administration Officer</i>
<i>E. Barker</i>	<i>Legal Services Manager</i>
<i>L. Rowland</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillors M. Hanif, D. Hartley and M. Stone.)



8. DECLARATION OF INTERESTS

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

9. MINUTES

RESOLVED

That the Minutes of the meeting held on 28th January 2025 be approved as a correct record and signed by the Chair.

**10. THE LICENSING ACT 2003 –
REVIEW OF A PREMISES LICENCE -
CORNER SHOP, 25-27 RUSKIN AVENUE, COLNE, LANCASHIRE, BB8 9RP**

The Assistant Director, Planning, Building Control and Regulatory Services submitted a report for Members to consider a review of a Premises Licence application made by Lancashire Constabulary for the corner shop premises at 25-27 Ruskin Avenue, Colne, Lancashire, BB8 9RP.

The review related to the premises not meeting the licensing objectives of the 'Prevention of Crime and Disorder' and the 'Protection of Children from Harm'.

The Members and all relevant parties had received a copy of the report which included a copy of the application for review and the representations received. Additional evidence from both Lancashire Constabulary and the Licence holder had been circulated prior to the meeting and was submitted for consideration.

The Licence holder Mr Safdar Mahmood attended the meeting accompanied by his son Mr Usman Mahmood and his barrister, Mr Peter Ward.

Also in attendance were PC2623 Michael Jones, on behalf of Sergeant 541 Stephen Dundon who had submitted the review application, and Sarah Barton, both of Lancashire Constabulary.

RESOLVED

That Mr Safdar Mahmood, as the holder of the Premises Licence numbered PEN(A)0090 granted under the Licensing Act 2003 in respect of 'Corner Shop, 25-27 Ruskin Avenue, Colne, BB8 9RP' be hereby removed as the Designated Premises Supervisor (DPS).

REASON

- (a) On 21st January 2025, an application for a review of the premises licence was received from Lancashire Constabulary.**
- (b) The burden of proof for the Police is the criminal standard for any charges to be made. The burden of proof for the Committee is the balance of probabilities in order to take action regarding the licence.**
- (c) Between September 2024 and February 2025, there were 49 entries on the police's intelligence logs relating to criminal activities at the premises with varying levels of confidence.**
- (d) When a warrant was executed by the Police on 6th January 2025, cannabis, weighing scales and empty snap bags were found, together with an axe.**
- (e) The Committee accepts that Mr Safdar Mahmood is not under investigation himself for any criminal offences.**
- (f) There were inconsistencies in the representations made by Mr Safdar Mahmood and the Committee do not accept that the cannabis found when the warrant was executed was for personal use.**
- (g) Issues at the premises were hidden from Mr Safdar Mahmood and he was not immediately told at the time by his son that a warrant was being executed. He has been let down by employees at the premises.**
- (h) Mr Safdar Mahmood as the Premises Licence Holder and DPS is responsible for the premises and there appears to be no control whatsoever. Mr Safdar Mahmood has clearly demonstrated a lack of any effective management at the premises and does not appear capable of implementing and maintaining the necessary steps to ensure the licensing objectives are being promoted.**

The matters set out in the paragraphs above have the effect of undermining the licensing objective of the prevention of crime and disorder.

The government guidance issued under section 182 of the Licensing Act 2003 dated July 2023 "the Guidance" and the Council's Statement of Licensing Policy ("The Policy") have been considered in accordance with the licensing authority's duty under section 4(3) of the Act.

Paragraph 42.1 of the Council's Policy states that when considering a review request or the possibility of enforcement action we will take into account all relevant circumstances but will view the following matters particularly seriously:

- use of the premises for criminal activities such as the supply of drugs or money laundering**
- failure to engage with the Responsible Authorities in an effective manner**

Paragraphs 11.20 and 11.21 of the s182 Guidance states that in deciding which of these

powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

In these circumstances it is considered that the removal of Mr Safdar Mahmood as the DPS serves to promote the crime prevention objective.

In reaching its decision, the Committee took into consideration the following factors:

- a. The report presented by Wajed Iqbal for the Council;***
- b. The submissions made on behalf of the Police;***
- c. The submissions made by the Premises Licence Holder;***
- d. The provisions of the Licensing Act 2003 and the four Licensing objectives;***
- e. The Human Rights Act 1998***
- f. The Council's Statement of Licensing Policy;***
- g. The guidance issued by the Secretary of State under s182 of the Licensing Act 2003.***

Consideration has been given to all the powers available to the licensing authority under section 52(4) of the Act and concludes that the removal of Mr Safdar Mahmood as the DPS is both necessary and proportionate in the circumstances.

11. GAMBLING ACT 2005 – PENDLE BOROUGH COUNCIL DRAFT POLICY 2025-2028

The Assistant Director, Planning, Building Control and Regulatory Services submitted a report which sought authorisation for the Gambling Act 2005, Draft Statement of Principles Policy 2025-2028 to go out to public consultation.

The current policy, along with the draft, were submitted as appendices to the report.

It was noted that, since its previous consultation, there had been no major changes in the Gambling Act 2005 which impacted the Pendle Borough Council policy. As there were only minor administrative changes it was felt that a consultation period of two weeks was sufficient.

RESOLVED

That the Gambling Act 2005, Draft Statement of Principles Policy 2025-2028 be put out to public consultation for a period of two weeks.

REASON

- (1) The Gambling Policy of Pendle Borough Council must be renewed every three years in accordance with the Gambling Act 2005 s.349.***
- (2) To allow members of the public, service users and other relevant organisation to make comments.***

CHAIR _____