

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD ON 23RD SEPTEMBER 2026
AT NELSON TOWN HALL**

PRESENT –

Councillor Y. Tennant (Chair)

Councillors:

*S. Ahmed
D. Gallear
D. Lord
M. Stone
M. Waddington*

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 and D. Hartley.)

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7. DECLARATION OF INTERESTS

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

8. MINUTES

RESOLVED

That the Minutes of the meeting held on 1st September 2026 be approved as a correct record and signed by the Chair.

**9. APPLICATION TO REVIEW A PREMISES LICENCE –
WHITE BEAR INN, GISBURN ROAD, BARROWFORD**

The Assistant Director, Planning, Building Control and Regulatory Services submitted a report for Members to consider a review application for a Premises Licence brought by Pendle Borough Council (PBC) Licensing, a Responsible Authority under the Licensing Act 2003. The review related to the premises not meeting the licensing objectives of 'Prevention of Crime and Disorder', 'Public Safety', 'The Prevention of Public Nuisance' and 'Protection of Children from Harm'.

Representations had been received from Lancashire Police under the licensing objectives of 'Prevention of Crime and Disorder' and 'Protection of Children from Harm'.

Representations in support of the review had also been received from Gosschalks Solicitors on behalf of Ei Group Limited (Stonegate) who were the building owners.

The Members and all relevant parties had received a copy of the report which included a copy of the application and the representations received. A summary of additional evidence had been circulated prior to the meeting and was submitted for consideration.

The joint Premises Licence holder, Mr Carl Johnson attended the meeting.

Also in attendance was Wajed Iqbal, PBC Licensing, who had submitted the review application, and PS541 Steve Dundon of Lancashire Constabulary, who had made representations.

RESOLVED

That, having listened to the representations made in respect of the Premises Licence review brought by the Licensing Authority under the Licensing Act 2003 for The White Bear Inn, Gisburn Road, Barrowford, the licence be revoked.

REASON

- (a) Throughout 2026 police were repeatedly required to attend incidents involving individuals responsible for the management and operation of the premises. The cumulative effect of those incidents was substantial and ultimately led to uncertainty regarding the lawful operation of the premises and the role of the Designated Premises Supervisor (DPS).***
- (b) Following the removal of the DPS, there was no DPS in place capable of authorising the sale of alcohol at the premises. Despite this, Police Sergeant Dundon and Licensing Officer Wajed Iqbal attended the White Bear Inn on 10 July 2026 and found the premises open with customers consuming alcohol. Mr Johnson, one of the Premises Licence Holders was specifically advised that licensable activities could not lawfully continue in the absence of a DPS and that offences under the Licensing Act 2003 would be committed if alcohol sales continued. The advice was clear and unequivocal, yet Mr Johnson stated that he would remain open and deal with the consequences later. Evidence later obtained from Stonegate brewery dispense records showed alcohol continuing to be dispensed over the relevant period. A closure notice under the Anti-Social Behaviour, Crime and Policing Act was ultimately served to enforce closure. This raises a serious concern regarding regulatory compliance.***
- (c) On 12th July 2026 during the England v Norway football fixture, Police attended following reports of disorder involving a number of intoxicated youths. A fifteen-year-old male was arrested for being drunk and disorderly and an eighteen-year-old male was arrested on suspicion of criminal damage. The Committee acknowledges that there is no conclusive evidence that alcohol was supplied to the fifteen-year-old within the premises. However, a key difficulty in establishing exactly what occurred was that the CCTV system was not functioning properly, despite CCTV being required by licence conditions. The absence of functioning CCTV removed an important safeguard, hindered effective investigation and deprived the authorities of potentially valuable evidence. Taken together, these matters engage both the Prevention of Crime and Disorder objective and the Protection of Children from Harm objective***
- (d) At a licensing committee hearing on the 1st September 2026, the application to have Ms Amy Coplen as the DPS was refused following Police representations. At the conclusion of that hearing it was made clear that there was no DPS in place and that***

licensable activities could not continue. However, subsequent dispense records indicate that more than ninety pints of alcohol were dispensed during that day. Police and licensing officers attended the following day and found the premises open. This is particularly significant because it demonstrates that concerns regarding compliance were not confined to a single incident in July but arose again several weeks later after further advice had been provided.

- (e) The licensing regime relies upon operators understanding and complying with legal requirements. Where an operator continues trading after receiving clear advice that such trading would be unlawful, it raises concerns regarding both competence and willingness to comply with the licensing framework.***
- (f) Taken collectively, the evidence demonstrates:***
 - a. Repeated police attendances connected to the management and operation of the premises***
 - b. Significant instability in the management structure***
 - c. Apparent operation of the premises during periods when no DPS was in place***
 - d. Failures to comply with advice provided by police and licensing officers***
 - e. Concerns regarding crime and disorder***
 - f. Failure to maintain CCTV in accordance with licence conditions***
 - g. Ongoing concerns regarding management competence and understanding of licensing obligations.***

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.

The government guidance issued under section 182 of the Licensing Act 2003 (“the Act”) dated September 2026 (“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.

In accordance with section 19 of the Licensing Act 2003 and paragraph 4.61 of the Guidance, every premises licence that authorises the sale of alcohol must specify a DPS and no supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence. Carrying on a licensable activity on or from any premises otherwise than in accordance with an authorisation is a criminal offence under section 136 of the Act and a person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, fine or both.

The licensable activity must also be carried on in accordance with the terms and conditions of that licence. Accordingly, breach of a licence condition, for example not having functioning CCTV or producing it on request while licensable activities are taking place can also amount to an offence contrary to s.136 of the Act.

Paragraph 11.18 of the Guidance states that where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement either orally or in writing that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

Paragraph 42.1 of the Policy states that when considering a review request or the possibility of enforcement action the Committee will take into account all relevant circumstances but will view, amongst others, the following matters particularly seriously:

- **failure to promptly respond to a warning properly given by a responsible authority**
- **failure to engage with the responsible authorities in an effective manner**

The Committee saw no evidence of any commitment to run the premises in accordance with the law or the licensing objectives. The premises was blatantly opened despite Licensing Officer and Police advice to close not only once, but twice. This was an illegal activity. The Committee say that the Premises Licence Holder(s) have demonstrated that they believe that complying with the law and the licensing objectives is optional.

In these circumstances it is considered that revocation of the licence serves to promote the crime prevention objective.

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

- h. The report presented by Rachel Lonsdale for the Council;**
- i. The submissions made on behalf of the Licensing Authority and the Police;**
- j. The submissions made by the Premises Licence Holder**
- k. The provisions of the Licensing Act 2003 and the four Licensing objectives;**
- l. The Human Rights Act 1998**
- m. The Council's Statement of Licensing Policy;**
- n. 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 revocation of the licence is both necessary and proportionate in the circumstances.

At this point in the proceedings the meeting adjourned for 30 minutes and re-convened at 2.15 p.m.

In the absence of Mr Carl Johnson, the re-start of the meeting was postponed by 10 minutes.

The time having reached 2.25 p.m. the Committee was asked to consider whether to adjourn consideration of the next item of business or proceed in Mr Johnson's absence.

It was agreed that the meeting proceed.

10. APPLICATION TO TRANSFER A PREMISES LICENCE – WHITE BEAR INN, GISBURN ROAD, BARROWFORD

The Assistant Director, Planning, Building Control and Regulatory Services submitted a report for Members to consider an application to transfer a Premises Licence in respect of the White Bear Inn, Gisburn Road, Barrowford, made by Mr Carl Johnson, under the Licensing Act 2003.

The application was to transfer the Premises Licence from Ms Amy Coplen and Mr Carl Johnson to Mr Carl Johnson only.

Representations had been made by Lancashire Police under the licensing objective 'Prevention of Crime and Disorder'.

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

The hearing was attended by PS541 Steve Dundon of Lancashire Constabulary, who had made representations.

At 2.33 p.m. Mr Carl Johnson arrived at the meeting, expressed his apologies, and explained that he had been delayed as a result of roadworks. He was in attendance for the remainder.

(Councillor S. Ahmed left the meeting prior to the conclusion of this item and did not take part in any decision made.)

RESOLVED

That, having listened to the representations made in relation to the application to transfer the Premises Licence under the Licensing Act 2003 in respect of the White Bear Inn, Gisburn Road, Barrowford, the application be refused.

REASON

- (a) Parliament intended transfer applications to be granted routinely and that refusal should occur only in exceptional circumstances. Pursuant to section 42(6) of the Licensing Act 2003, Lancashire Constabulary submitted that this case is exceptional and that granting the transfer would undermine the Prevention of Crime and Disorder licensing objective***
- (b) The cumulative effect of a number of matters which have occurred over a relatively short period of time raises concerns about the management of the premises and Mr Johnson's ability to promote the licensing objectives.***
- (c) Following the removal of Amy Coplen as the Designated Premises Supervisor, there was no DPS in place capable of authorising the sale of alcohol at the premises. Despite this, Police Sergeant Dundon and Licensing Officer Wajed Iqbal attended the White Bear Inn on 10 July 2026 and found the premises open with customers consuming alcohol. Mr Johnson was specifically advised that licensable activities could not lawfully continue in the absence of a DPS and that offences under the Licensing Act 2003 would be committed if alcohol sales continued. The advice was clear and unequivocal, yet Mr Johnson stated that he would remain open and deal with the consequences later. Evidence later obtained from Stonegate dispense records showed alcohol continuing to be dispensed over the relevant period. A Closure Notice was ultimately served enforcing closure. This raises a serious concern regarding regulatory compliance.***
- (d) On 12th July 2026 during the England v Norway football fixture, Police attended following reports of disorder involving a number of intoxicated youths. A fifteen-year-old male was arrested for being drunk and disorderly and an eighteen-year-old male was arrested on suspicion of criminal damage. The Committee acknowledges that there is no conclusive evidence that alcohol was supplied to the fifteen-year-old within the premises. However, a key difficulty in establishing exactly what occurred was that***

the CCTV system was not functioning properly, despite CCTV being required by licence conditions. The absence of functioning CCTV removed an important safeguard, hindered effective investigation and deprived the authorities of potentially valuable evidence. Taken together, these matters engage both the Prevention of Crime and Disorder objective and the Protection of Children from Harm objective

- (e) At a licensing committee hearing on the 1st September 2026, the application to have Ms Amy Coplen as the DPS was refused following Police representations. At the conclusion of that hearing it was made clear that there was no DPS in place and that licensable activities could not continue. However, subsequent dispense records indicate that more than ninety pints of alcohol were dispensed during that day. Police and licensing officers attended the following day and found the premises open. This is particularly significant because it demonstrates that concerns regarding compliance were not confined to a single incident in July but arose again several weeks later after further advice had been provided.***
- (f) The licensing regime relies upon operators understanding and complying with legal requirements. Where an operator continues trading after receiving clear advice that such trading would be unlawful, it raises concerns regarding both competence and willingness to comply with the licensing framework. Such conduct demonstrates a disregard for the statutory licensing regime and is directly relevant when considering whether Mr Johnson can be relied upon, as sole Premises Licence Holder, to promote the prevention of crime and disorder objective.***
- (g) Taken collectively, the evidence demonstrates:***
 - a. concerns regarding management oversight;***
 - b. the failure to maintain operational CCTV;***
 - c. evidence suggesting the premises operated contrary to the Licensing Act despite explicit advice; and***
 - d. the ongoing investigation into potential Licensing Act offences.***

The Committee agree that these matters amount to the exceptional circumstances contemplated by section 42(6) of the Licensing Act 2003. 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.

The government guidance issued under section 182 of the Licensing Act 2003 (“the Act”) dated September 2026 (“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.

In accordance with section 19 of the Licensing Act 2003 and paragraph 4.61 of the Guidance, every premises licence that authorises the sale of alcohol must specify a DPS and no supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence. Carrying on a licensable activity on or from any premises otherwise than in accordance with an authorisation is a criminal offence under section 136 of the Act and a person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, fine or both.

The licensable activity must also be carried on in accordance with the terms and conditions of that licence. Accordingly, breach of a licence condition, for example not having functioning CCTV or producing it on request while licensable activities are taking place can also amount to an offence contrary to s.136 of the Act.

In these circumstances it is considered that refusal to transfer the licence to Mr Johnson serves to promote the crime prevention objective.

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

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

The Committee, having regard to the notice from the Police under section 42(6) of the Act, reject the application as it considers it appropriate for the promotion of the crime prevention objective to do so.

CHAIR _____