PRESENT

MEMBERS

Councillors H Baker, P Campbell, P Gill and M Townsend

OFFICERS

Emma Barker – Principal Legal Officer - Litigation & Regulation
John Clucas – Licensing and Compliance Officer
Imelda Grady – Democracy Officer

17 Appointment of Chair

Councillor Mark Townsend was appointed as Chair for this meeting.

18 Apologies for Absence

None

19 Minutes of the last Meeting

The minutes of the last meetings held on 21/02/20 and 20/03/20 were approved as a correct record.

20 Declaration of Interest

None

21 Additional Items of Business

None.

22 Exclusion of the Public

It was agreed that the determination of the review of a premises licence for Lyndhurst Road Food and Booze, 9 Lyndhurst Road, Burnley be held in public.
Determination of a Premises Licence Application-Review of Lyndhurst Road Food and Booze, 9 Lyndhurst Rd, Burnley, BB10 4ED.

John Clucas reported on a review of a premises licence at Lyndhurst Road Food and Booze, 9 Lyndhurst Road, Burnley, BB10 4ED and presented a report on behalf of the Licensing Authority relating to Regulation 26 (1) of the Licensing Act (Hearings) Regulations 2005.

Sam MConnell from Lancashire County Council presented then case on behalf of LCC Trading Standards.

Sergeant Gary Hennighan presented the case on behalf of Lancashire Constabulary.

Cassie Lee Edmondson presented the case on behalf of Sarah Hussain (present) who was the Premises Licence Holder.

DECISION AND REASON FOR DECISION

Decision
The premises licence numbered PLA0224 granted under the Licensing Act 2003 in respect of `Lyndhurst Road Food and Booze`, 9 Lyndhurst Road, Burnley is revoked.

Reason for decision

a. There was a failed test purchase in October 2019 which resulted in the sale of alcohol to a 16-year-old

b. Concerns have been raised by Trading Standards regarding he disregard of the conditions on the licence relating to `Challenge 25` scheme

c. Further concerns have been raised by the Police regarding the Premises Licence Holder/Designated Premises Supervisor`s neglect of her duties in relation to sales of alcohol namely:-

i. The failure to display Challenge 25 posters in appropriate places

ii. The failure to ensure staff had Personal Licences

iii. The failure to maintain a refusals register

iv. The failure to carry out and document quarterly refresher training

v. The failure of till prompts to remind staff to check for ID if the customer appeared to be under the age of 25

d. 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. They include `for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people`.

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 the protection of children from harm.
f. In those circumstances it is considered that revocation of the licence serves to promote the aforementioned licensing 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 is both necessary and proportionate in the circumstances.