LICENSING ACT 2003 SUB COMMITTEE

Friday, 17th April, 2020
10.00 am

Burnley.gov.uk
Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

The meeting will take place remotely due to the coronavirus.

The public will be able to watch on the Council’s You Tube site, in line with the current guidance and in order to aid openness and transparency.  
www.youtube.com/user/burnleycouncil

AGENDA

1) Appointment of Chair
   To consider the appointment of Chair for the meeting

2) Apologies for Absence
   To receive any apologies for absence

3) Minutes of the last Meeting
   To approve as a correct record the Minutes of the last Licensing Act 2003 Sub Committee meetings held on 210220 and 200320.

4) Additional Items of Business
   To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency

5) Declaration of Interest
   In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

6) Exclusion of the Public
   To determine during which items, if any, the public are to be excluded from the meeting
7) **Determination of a Premises Licence Application-Review of Lyndhurst Road Food and Booze, 9 Lyndhurst Rd, Burnley, BB10 4ED.**

To determine a Review of Premises Licence under the Licensing Act 2003 relating to Lyndhurst Road Food and Booze, 9 Lyndhurst Road, Burnley, BB10 4ED.

8) **Licensing conduct of Hearing**

9) **Exclusion of the Public**

To consider the exclusion of the public from the meeting before discussion takes place on the following item of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972.

**MEMBERSHIP OF COMMITTEE**

Councillor Howard Baker  
Councillor Paul Campbell

Councillor Peter Gill (4th Member)  
Councillor Mark Townsend

**PUBLISHED**

Tuesday, 7th April 2020.
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PRESENT

MEMBERS

Councillors I Emo, M Lishman and J Sumner

OFFICERS

David Talbot – Senior Solicitor
Karen Davies – Environmental Health and Licensing Manager
John Clucas – Licensing and Compliance Officer
Imelda Grady – Democracy Officer
Claudia Wilcock – Administration Officer

12 Appointment of Chair

Councillor Jeff Sumner was appointed as Chair for this meeting.

13 Minutes of the last Meeting

The Minutes of the last meeting held on 3rd January 2020 were agreed as a correct record and signed by the Chair.

14 Exclusion of the Public

It was agreed that the determination of an application to vary a Premises Licence at Lowerhouse Mills Function Room be held in public.

15 Determination of an Application to Vary a Premises Licence - Lowerhouse Pub Canteen

One objector who had indicated attendance was not present and as no explanation had been provided the Committee decided to proceed with the application in their absence.

Before consideration of the application the Council’s Senior Solicitor asked the Committee to consider a preliminary issue that had been identified under Section 36 (6) (b) of the
Licensing Act 2003 which provides that a licence may not be varied under section 35 so as to vary substantially the premises to which it relates.

The Committee retired to consider this.

DECISION AND REASONS FOR DECISION

The Committee found the application was a substantial variation in the footprint of the premises and in the nature of the way it functions and the Committee did not have the power to deal with the application today. The Hearing could however deal with the second part of the application in relation to the operating hours, but affecting only the existing function room, if the applicant so wished.

Reasons for Decision

1. There would be an approximate doubling of the footprint of the area covered by the premises licence; and

2. There is a substantial difference between the operation of a members’ club and a public house.

The Applicant did not wish to proceed with the application and the Chair closed the meeting.
PRESENT

MEMBERS

Councillors H Baker, I Emo and L Mehanna

OFFICERS

David Talbot – Senior Solicitor

16 Determination of a Review of a Premises Licence -MODE nightclub, 77 Hammerton Street, Burnley BB11 1LE

Members gave consideration to adjourning the meeting in light of the coronavirus pandemic and also as a matter of urgency the future arrangements for setting up new hearings in the near future.

RESOLVED

(1) That the hearing of the review of the premises licence relating to the MODE nightclub be adjourned to a date to be fixed within the next 3 months.

Reason

In light of the coronavirus pandemic it would not be in the public interest to hold the hearing at the present time.

(2) In exercise of its powers under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 ("the Regulations") and being satisfied that it is necessary in the public interest to do so it is RESOLVED that:

(a) Save as provided hereafter, the time periods specified in column 2 of the table in Schedule 1 of the Regulations in respect of all hearings to be held under the provisions listed in column 1 of the table in Schedule 1 of the Regulations, shall be extended by a period of 3 months;
(b) Paragraph (a) shall not apply where there is no power to extend a time limit under regulation 11 of the Regulations by virtue of the provisions of regulation 13 of the Regulations.

Reason:

In light of the coronavirus pandemic it would not be in the public interest to hold public meetings within the time periods that would otherwise be required by the Regulation.
REPORT TO LICENSING SUB-COMMITTEE

DATE       Friday 17\textsuperscript{th} April 2020
PORTFOLIO  Governance, Law & Regulation
REPORT AUTHOR  John Clucas
TEL NO     0114 3999061
EMAIL      jclucas@burnley.gov.uk

Licensing Act 2003 Determination of an application for a review of a premises licence

PURPOSE

1. To advise members of the requirement to determine an application for review under Section 52 of the Licensing Act 2003.

2. The premises is Lyndhurst Road Food & Booze, 9 Lyndhurst Road, Burnley, BB10 4ED

RECOMMENDATION

3. Members are recommended to make a determination at the conclusion of the hearing as required by Regulation 26(1) of the Licensing Act (Hearings) Regulations 2005.

Having considered all relevant facts, the Committee is empowered to take any of the following steps which are necessary to promote the licensing objectives:

a. to modify the conditions of the licence;
b. to exclude a licensable activity from the scope of the licence;
c. to remove the designated premises supervisor;
d. to suspend the licence for a period not exceeding three months; or
e. to revoke the licence.

REASONS FOR RECOMMENDATION

4. Members of the Licensing Committee are responsible for determining such applications.
Summary of Key Points

5. The Licensing Objectives are:
   - Prevention of Crime and Disorder
   - Public Safety
   - Prevention of Public Nuisance
   - Protection of Children from Harm

   The premises currently hold a licence a copy of which is attached at Appendix ‘A’

   The holder of the premises licence and Designated Premises Supervisor is Sarah Hussain, of xx Street Nelson and she holds a Personal Licence which was issued by Pendle Borough Council.

6. On the Thursday 5th March 2020, the Licensing Authority received an application from Sam McConnell, Lancashire Trading Standards to review the Premises Licence of Lyndhurst Road Food & Booze.

   The grounds for the application that the licensing objectives relating to the protection of Children from harm is not being observed

   The Lancashire Trading Standards say that the premises has failed a test purchase of alcohol, and the current DPS is also the DPS of another premises in Pendle which had its Premises Licence revoked very recently, for a similar offence.

   The review application submitted by the Lancashire Trading Standards is appended at Appendix ‘B’.

   The Licensing Authority has received one other representation from the Lancashire Constabulary a copy of this is attached as Appendix ‘C’.

   The premises were subject of a review hearing held on the 12th January 2012 triggered by an application made by the Lancashire Constabulary.

   At that time the Premises was trading as Pommys Off Licence and was under different management with a different Premises Licence Holder and also a different DPS.

   The determination notice relating to this 2012 hearing is attached at Appendix `D` and the additional conditions added as a result of this hearing are attached at Appendix `E`.

Financial Implications and Budget Provision

7. None
8. The following paragraphs from Burnley Borough Council’s Statement of Licensing Policy are relevant to this application:

1.3 We desire to create an environment where local people and visitors to our areas will have better opportunities to enjoy their leisure time in safety without fear of violence, intimidation or disorder whilst on or in the vicinity of licensed premises.

1.10 We will endeavor to carry out our licensing functions in a way that:

   o ensures public safety

   o supports well managed premises where licence holders seek to actively promote the licensing objectives and display sensitivity to the potential impact of licensable activities on local residents and other businesses

   o protects residents’ quality of life.

1.3 We desire to create an environment where local people and visitors to our areas will have better opportunities to enjoy their leisure time in safety without fear of violence, intimidation or disorder whilst on or in the vicinity of licensed premises.

1.10 We will endeavor to carry out our licensing functions in a way that:

   o ensures public safety

   o supports well managed premises where licence holders seek to actively promote the licensing objectives and display sensitivity to the potential impact of licensable activities on local residents and other businesses

   o protects residents’ quality of life.

3.23 Issues about access of children to premises may give rise to concern:

   o where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;

   o where there have been convictions of the current management for serving alcohol to minors;

   o where the premises have a reputation for allowing under-age drinking;

   o where requirements of proof of age is not the norm;

   o where premises have a known association with drug taking or
dealing;
  o where there is a strong element of gambling on the premises; and
  o where the supply of alcohol consumption on the premises is the exclusive or primary purpose of the services provided.

3.27 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. However, this authority favours the Challenge 25/Check 25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the authority determines the licence application.

3.28 This Licensing Authority is committed to protecting children from harm and supports the programmer of underage test purchases arranged by the Lancashire Trading Standards Service, the Licensing Team and Police. Where underage sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, responsible retail training, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

3.29 In keeping with the Secretary of State’s Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.

7.7 Where there is evidence that one or more licensing objectives would be undermined, a responsible authority, authorised person or interested party (Since the introduction of the Policing and Crime Act 2009 the definition of “interested Parties” has been extended to include – “a member of the relevant Licensing Authority”) has the ability to object to the issue or variation of a licence or request a review of an existing licence.

7.8 The onus to provide the evidence will always be on the person or organisation making the objection or review application. This burden of proof will not however apply should there be a special saturation policy in being in relation to the area where the premises are situated.

9.1 The authority may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.

9.2 The council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.

9.3 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.

13.4 The holder of a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a personal licence. The Act does not require the presence of the DPS at all
material times.

13.5 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.

14.1 Where an application for a review of a premises licence is made, we will inform the public of the application for review in accordance with the regulations made under the Act thereby allowing any other responsible authority, authorised person or interested party to also make application at that time.

Human Rights Act Considerations

Members are reminded of the consideration they should give to the Human Rights Act 1998 in particular those rights afforded by Article 6 (right to a fair hearing), Article 1 of the First Protocol (protection of property) and Article 8 (right to respect for private and family life).

DETAILS OF CONSULTATION

9. The statutory consultation has taken place. One representation has been received within this statutory period and this is detailed earlier in this report.

BACKGROUND PAPERS

    Home Office Guidance issued under Section 182 of the Licensing Act 2003

FURTHER INFORMATION

PLEASE CONTACT:  John Clucas ext 249061
                 Karen Davies ext 249058
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Licensing Act 2003
Premises Licence

Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

Lyndhurst Road Food & Booze
9 Lyndhurst Road, Burnley, Lancashire, BB10 4ED.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**
Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**
- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

<table>
<thead>
<tr>
<th>Activity (and Area if applicable)</th>
<th>Description</th>
<th>Time From</th>
<th>Time To</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Supply of alcohol for consumption OFF the premises only</td>
<td>Monday to Sunday</td>
<td>8:00am</td>
<td>11:00pm</td>
</tr>
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**THE OPENING HOURS OF THE PREMISES**

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**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**
- J. Supply of alcohol for consumption OFF the premises only

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Sarah Hussain

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Sarah Hussain
Burnley Borough Council

Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT

Tel: 01254 425011
Web: www.burnley.gov.uk

Licensing Act 2003
Premises Licence

PLA0224

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PENDLE0779
Issued by Pendle

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

No supply of alcohol may be made under the premises licence -

(a) At a time when there is no designated premises supervisor in respect of the premises, or
(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

ANNEX 2 - Conditions Imposed in Accordance with the Operating Schedule & Under Paragraph 18(4) & 18(5) Schedule 8 Licensing Act 2003

The premises shall have comprehensive CCTV coverage. The system records, the data is kept for 14 days & will be made available to the authorities on request.

Whenever the DPS is not at the premises another person shall be nominated by them to be the responsible person to manage premises.

Any person who looks or appears to be under the age of 21 shall be asked to provide ID to prove that they are over the age of 18.

Only the UK photo driving licence, passport or government approved PASS cards shall be accepted.

ANNEX 3. Conditions attached after a hearing by the licensing authority

1. The store will operate a Challenge 25 policy. All customers who appear to be under the age of 25 will be asked for ID to prove they are over the age of 18.

2. Challenge 25 posters will be displayed prominently within the store.
Burnley Borough Council
Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT
Tel: 01254 425011
Web: www.burnley.gov.uk

Licensing Act 2003
Premises Licence

PLA0224

ANNEXES continued...

3. All staff selling alcohol will be externally trained on the Award for Personal Licence Holders Course, prior to making sales of alcohol.

4. All staff will receive quarterly refresher training. The training will be documented and made available to the relevant authorities upon request.

5. An incidents and refusals register will be maintained at the store.

6. Till prompts will be installed on the till system to alert staff members of an alcohol sale reminding them to check for ID.

ANNEX 4 - Plan of Premises

The official plan of the premises is attached and endorsed.
Licensing Act 2003
Premises Licence Summary

Lyndhurst Road Food & Booze
9 Lyndhurst Road, Burnley, Lancashire, BB10 4ED.

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- J. Supply of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Sarah Hussain

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Sarah Hussain

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I, Sam McConnell,
(Insert name of applicant)
apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
Premier / Lyndhurst Road Food & Booze
9 Lyndhurst Road, Burnley

<table>
<thead>
<tr>
<th>Post town</th>
<th>Post code (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burnley</td>
<td>BB10 4ED</td>
</tr>
</tbody>
</table>

Name of premises licence holder or club holding club premises certificate (if known)
Sarah Hussain

Number of premises licence or club premises certificate (if known)
PLA0224

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)
   a) a person living in the vicinity of the premises
   b) a body representing persons living in the vicinity of the premises
   c) a person involved in business in the vicinity of the premises
   d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

Page 19
3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick
Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title ☐
(for example, Rev)

Surname
First names

Please tick yes
I am 18 years old or over ☐

Current postal address if different from premises address

Post town
Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)
This application to review relates to the following licensing objective(s)

Please tick one or more boxes

1) the prevention of crime and disorder
2) public safety
3) the prevention of public nuisance
4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The application for review is submitted by Lancashire County Council Trading Standards Service on the ground that the licensing objective relating to the protection of children from harm is not being observed at Premier / Lyndhurst Road Food & Booze 9 Lyndhurst Road, Burnley BB10 4ED.

The Premise Licence Holder (PLH) is Sarah Hussain
The Designated Premise Supervisor (DPS) is Sarah Hussain

The Trading Standards Service believes that Sarah Hussain has been both PLH and DPS at these premises since 5th January 2017.

Since 2013 there has been two test purchase attempts of tobacco, and three test purchase attempts of alcohol, all of which resulted in a refusal to sell. However, most recently a test purchase attempt was made in October 2019 which resulted in the sale of alcohol to a child aged 16 years, a second test purchase operation in November 2019 was conducted and a sale was refused.

The Trading Standards Service has written to the premise on two occasions to provide advice and guidance on age restricted products. In October 2015 a ‘Check 25’ resource pack was sent to the premise, and in August 2017 a letter was sent directing them to some online material and advice in relation to the same.

It is worth noting that the PLH and DPS, Sarah Hussain, is also the PLH for another premise located in the district of Pendle. That premise also failed a test purchase on the same day as Lyndhurst Road Food & Booze in October 2019. As such, that premise has recently been the subject of a review in the Pendle district, the result of
which was revocation of the license.

The Pendle premise had two complaints alleging under age sales made against them since March 2017. As a result three test purchases were attempted resulting in two sales of alcohol to children. Trading Standards had advised the premise in writing on two occasions, yet the sale of alcohol to children continued.

As previously outlined all test purchases carried out by Trading Standards before 2017 where refused. After Sarah Hussain became the Premises Licence Holder and Designated Premises Supervisor two operations have been conducted one resulting in a sale of alcohol to a person under 18 years of age.

The committee is respectfully requested to consider that the sale of alcohol at this premise, with the subsequent revocation of the license at the Pendle premises be an indication that the current PLH and DPS is ineffective.

Given the information provided we respectfully request that Burnley Licensing Committee considers revocation of the license in this instance in order to maintain consistency and to prevent the continuation of sales to children.

If the committee does not feel a revocation of the current licence is the most appropriate action to take, we would ask that modification of the current licence to deter further sales of alcohol to persons under 18 years of age is an option for the Committee to consider. Modifications for the Committee to consider have been made available prior to this hearing within this document.
Please provide as much information as possible to support the application
(please read guidance note 2)

PROTECTION OF CHILDREN FROM HARM

- 20th July 2013 a test purchase of tobacco products was attempted and refused
- 18th September 2013 a test purchase of alcohol was attempted and refused
- 9th April 2014 a test purchase of alcohol was attempted and refused
- 25th June 2015 a test purchase of alcohol was attempted and refused
- 9th October 2015 'Check 25' resource pack sent in the post
- 29th August 2017 'Check 25' letter sent with links to online advice and guidance material
- 4th October 2019 a test purchase resulted in the sale of alcohol to a 16 year old child
- 30th November 2019 a test purchase of tobacco products was attempted and refused

RELEVANT INFORMATION – PROTECTION OF CHILDREN FROM HARM

- Supplying alcohol to an individual under the age of 18 years is an offence, contrary to Section 146 of the Licensing Act 2003.

- Allowing the sale of alcohol to an individual under the age of 18 years is an offence, contrary to Section 147 of the Licensing Act 2003.

Paragraphs 11.27 & 11.28 of ‘The Revised Guidance issued under Section 182 of The Licensing Act 2003’ (Home Office April 2018) states that:

‘There is certain criminal activity that may arise in connection with licensed premises that should be treated particularly seriously. These are the use of the licensed premises ....

... 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.

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the 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.

The following options are available to the committee:-
1) Do nothing – However the seriousness of the offences causes grave concern for no action;

2) Modify the conditions of the licence - LCC would ask the committee in the event of deciding revocation is not an appropriate disposal, to consider the modification of conditions which are listed below. This would further promote the licensing objectives of; 1) prevention of crime and disorder, and 2) protecting children from harm and, that would prevent future offences of this nature from occurring. Modified or imposed conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the business by other legislation and the business has already shown a blatant disregard for the law through reoffending;

3) Remove the Premise License Holder and the Designated Premises Supervisor, an additional option we would ask the Committee to consider;

4) Suspend the licence for a period not exceeding three months;

5) Revoke the premises licence so that no alcohol can be sold at all. This is a determination that Trading Standards would ask the Committee to consider in their deliberation.

In the opinion of Lancashire County Council Trading Standards Service, the information presented in the application is clear evidence that the Protection of Children from Harm Licensing Objective has been disregarded at these premises.

Lancashire County Council Trading Standards respectfully requests that the committee considers one of two options in this matter. To revoke the licence at 9 Lyndhurst Road, or notwithstanding any other evidence being presented to the Licensing Panel by relevant authorities, Trading Standards would ask that the following modifications to licence be considered as a second option of disposal in this review.

Suggested licence modifications:-

- The removal of the current Premises Licence Holder and designated Premises Supervisor, Sarah Hussein.

The Prevention of Crime and Disorder

- The premises shall install and maintain a comprehensive digital, colour, CCTV system.
- All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition.
- The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping.
- A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the licensing authority.
- Any footage must be in a format that can be played back on a standard personal computer or standard DVD player.
The Protection of Children from Harm

- The premises shall display prominent signage at any point of sale, at the entrance to the premises and in all areas where alcohol is located indicating that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
- The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
- Challenge 25 posters will be displayed at any point of sale, at the entrance to the premises and in all areas where alcohol is located.
- A refusal log shall be kept at the premises to record all refused sales of alcohol for the reasons that the person(s) is/are, or appear(s) to be, under 18 years of age.
- The log shall record the date and time of the refusal and the name of the member of staff who refused the sale.
- The log will be available on request by the police or an authorised officer of Pendle Borough Council.
- The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.
- There shall be a policy for the premises agreed with the Police and Pendle Borough Council, regarding the procedure for the handling of fraudulent identification used to attempt to purchase alcohol.
- In addition to any other training, the premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate, and that they monitor staff to ensure their training is put into practice.
- Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.
- The training records shall be made available for inspection upon request by a police officer or an authorised officer of Pendle Borough Council.
- At all times when children are allowed on the premises, information shall be displayed, at the point of sale, on what to do if there is a cause for concern regarding a child’s welfare. This shall include reporting to the Police via 101, the NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.
Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

If you have made representations before relating to this premises please state what they were and when you made them
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature: S. McConnell...............................................................

Date: 18 November 2019

Capacity: Principal Officer, Lancashire Trading Standards Service

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Lancashire County Council Trading Standards Service
4th Floor, Lancashire Point
County Hall
Pitt Street

<table>
<thead>
<tr>
<th>Post town</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preston</td>
<td>PR1 0LD</td>
</tr>
</tbody>
</table>

**Telephone number (if any)**

01772

**If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional)**

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.
10th March 2020

Licensing Unit
Burnley Borough Council

Police support to the application for review of licence at 9 Lyndhurst Road,
Burnley, BB10 4ED

Please accept this as the police representation to the application for licence review that was submitted by Lancashire County Council Trading Standards in relation to 9 Lyndhurst Road, Burnley, BB10 4ED – recorded on our systems as Lyndhurst Road Convenience Store.

The police are supporting this review formally as we have concerns that the prevention of children from harm licensing objective has been undermined at the premises. This is around the issue of underage sales. In addition, the police find that the licensing objectives are being seriously undermined as they cannot abide by the conditions on their licence following repeat licensing visits.

The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Sarah Hussain. This has been the case since January 2017 and it is my belief that she is completely neglectful in her duties in relation to sales of alcohol. To provide some context, Hussain is also the premises licence holder of Premier, Knotts Lane, Colne. Trading Standards recently applied for a review of this store’s licence, supported by police, in relation to underage sales (a failed test purchase on 4th October 2019) and concerns over vulnerable children allegedly being supplied cigarettes, alcohol and cannabis by a staff member. The sub-committee at the hearing by Pendle Borough Council took the decision to revoke their licence after listening to representations by Trading Standards and the police. Hussain did not turn up for this hearing – leaving it in the hands of the female called Genna Rigby.

The licence has some extremely stringent conditions which were imposed following a failed test purchase in 2011 due to concerns over the store. Namely:

1) THE STORE WILL OPERATE A CHALLENGE 25 POLICY. ALL CUSTOMERS WHO APPEAR TO BE UNDER THE AGE OF 25 WILL BE ASKED FOR ID TO PROVE THEY ARE OVER THE AGE OF 18.
2) CHALLENGE 25 POSTERS WILL BE DISPLAYED PROMINENTLY WITHIN THE STORE.
3) ALL STAFF SELLING ALCOHOL WILL BE EXTERNALLY TRAINED ON THE AWARD FOR PERSONAL LICENCE HOLDERS COURSE, PRIOR TO MAKING SALES OF ALCOHOL.
4) ALL STAFF WILL RECEIVE QUARTERLY REFRESHER TRAINING. THE TRAINING WILL BE DOCUMENTED & MADE AVAILABLE TO THE AUTHORITIES UPON REQUEST.
5) AN INCIDENTS & REFUSALS REGISTER WILL BE MAINTAINED AT THE STORE.
6) TILL PROMPTS WILL BE INSTALLED ON THE TILL SYSTEM, TO ALERT STAFF MEMBERS OF AN ALCOHOL SALE REMINDING THEM TO CHECK FOR ID.

I have been concerned about this premises since May 2019 following a visit from police licensing staff volunteer David Pill who reported some breaches of their licence conditions:

MR EHTISHAM SAJJAD (SALES ASSISTANT - 2 YEARS) WAS SERVING. THE PREMISES LICENCE WAS ON DISPLAY, A STATUTORY TOBACCO NOTICE WAS ON DISPLAY. NO REFUSAL/CHALLENGE DOCUMENTATION. CHALLENGE POLICY WAS UNCLEAR. NO STAFF TRAINING DOCUMENTED. NO STAFF REFRESHER TRAINING. TILL PROMPT SYSTEM ACTIVE - SHOPMATE EPOS - 18+ WARNING. NO POSTERS AT POINT OF SALE. AGE CHECKED USING PHOTO DRIVING LICENCE OR PASSPORT. CCTV OPERATIONAL.

NOTES:
MR SAJJAD SAID THE BUSINESS HAS 2 EMPLOYEES SUPERVISED BY SARAH HUSSAIN. INFORMATION/POSTER PACK LEFT WITH MR SAJJAD.
SHOP TELEPHONE: 01282 789393. FOLLOW UP CALL REQUIRED TO ENSURE MS HUSSAIN IS ADDRESSING THE FAILURES AT THIS SHOP.

On 4th October 2019, at 2050hrs, a joint test purchase operation was carried out at the store between Trading standards and police with the following result:

FAIL - TEST PURCHASE OP CARRIED OUT WITH LANCS TRADING STANDARDS. 16-YEAR-OLD VOLUNTEER BOUGHT TWO CANS OF ALCOHOL WITHOUT CHALLENGE FROM SHOP ASSISTANT. DPS NOT PRESENT AT TIME OF SALE. SELLER: EHTISHAM SAJJAD. SAJJAD'S GRASP OF ENGLISH WAS MEDIocre AND KNOWLEDGE OF LICENSING ISSUES LOW. COMPLETE BREACH OF LICENCE. AS PER LAST VISIT - DAVE PILL LEFT ADVICE. POSTERS AND TRAINING - ALL OF WHICH HAVE BEEN IGNORED AND POSTERS NOT PUT UP. AS PER CONDITIONS FOLLOWING PREVIOUS HEARING: NO CH25 EVIDENT, NO POSTERS DISPLAYED PROMINENTLY, STAFF MEMBER HAS NOT BEEN ON PERSONAL LICENCE COURSE. NO QUARTERLY TRAINING CAN BE EVIDENCED, NO REFUSALS/INCIDENTS REGISTER AVAILABLE. TILL PROMPT ACTIVE BUT IGNORED ON THIS OCCASION. SLUSH MACHINE EMPTY BUT SMALL BOTTLES OF VODKA NEARBY. SAJJAD SAID SOME CUSTOMERS MIXED THESE INTO THE SLUSHES AS PER INTEL PREVIOUS.

I spoke with Hussain a few days after this incident over the phone and raised my concerns, however I got the impression that she seemed disinterested in what I had to say about the failed test purchase and breaches of conditions.

The test purchase was conducted following a police report made on 3rd October 2019 (Log no LC-20191003-0384 refers) stating: ANON CALLER REPORTING STORE IS SELLING ALCOHOL TO MINORS - STATES SHE SAW A 10 YEAR OLD ASK FOR AND SERVED WITH A 'VODKA' SLUSH PUPPY ON MONDAY NIGHT AT 2000HRS. INF ALSO REPORTS THAT A 15 YEAR OLD, WHO IS RELATED TO THE INF BUYS VODKA FROM THE SHOP ON A REGULAR BASIS AND THE MALE IN THE SHOP SELLS ALCOHOL TO CHILDREN ALL THE TIME.

After the test purchase, two more licensing visits were conducted. The first by PC 2623 Jones and John Clucas, licensing officer at Burnley Borough Council at 1330hrs on 14th November 2019:
LICENSING VISIT WITH JOHN CLUCAS, BURNLEY COUNCIL.
SHOP ASSISTANT GAVE HIS DETAILS AS MOHAMMAD UMAR, WHO HAD ONLY
STARTED WORKING THERE SINCE 04/11/19. HE DOES NOT HAVE A PERSONAL LICENCE
AND HAS NOT UNDERTAKEN ANY EXTERNAL TRAINING.
TILL PROMPT WORKING AND MOHAMMAD STATES THAT HE ACCEPTS DRIVING
LICENCE AND PASSPORT AS ID.
A REFUSAL REGISTER WHICH APPEARED TO BE AN A4 PAD WAS PRODUCED WITH THE
LAST ENTRY BEING 12/11/19.
THE CHECK 25 POSTERS WERE PRODUCED FROM UNDER THE COUNTER. ONLY 2
POSTERS DISPLAYED, BOTH BELOW WAIST HEIGHT, ONE AT THE COUNTER AND THE
OTHER ON THE END OF THE COUNTER BUT NOT PROMINENT.
NO DOCUMENTED STAFF TRAING COULD BE PRODUCED.
SLUSH MACHINE COVERED UP AND NOT CURRENTLY USED.
MOHAMMAD STATED THAT THE BOSS WAS IMRAN KHAN. MR KHAN COMES EVERY
COUPLE OF DAYS.
CCTV WORKING BUT CLOCK 20 MINUTES FAST.
PREMISES LICENCE AND STATUTORY TOBACCO NOTICE ON DISPLAY.

Then a revisit from David Pill at 1953hrs on 29th January 2020:

TERMS: PERSONAL LICENCE HOLDER REQUIRED ON-SITE AT ALL TIMES, CHALLENGE 25,
CCTV EXTERNAL, CCTV INTERNAL.
STAFF PRESENT: NAZAKAT KHAN (FRIEND).
HOLDS A PERSONAL LICENCE. PERSONAL LICENCE NOT INSPECTED. *PERSONAL
LICENCE REQUIRED, *PLEASE VALIDATE THE PERSONAL LICENCE, DECLARED HE HAS A
CERTIFICATE.
PREMISES LICENCE ON DISPLAY.
STATUTORY TOBACCO NOTICE ON DISPLAY.
ELECTRONIC (TILL BASED) REFUSALS LOG.
CHALLENGE 25 POLICY DECLARED.
NO CHALLENGE POLICY DOCUMENTED.
NO STAFF TRAINING DOCUMENTED.
NO STAFF REFRESHER TRAINING DOCUMENTED.
TILL PROMPT: CHALLENGE 18.
POSTERS AT POINT OF SALE: YES.
POSTERS ELSEWHERE IN STORE: NO.
AGE CHECKS/ ID DOCUMENTS: PASSPORT, DRIVING LICENCE.
EXTERNAL CCTV: OPERATIONAL.
INTERNAL CCTV: OPERATIONAL.
14 DAYS REQUIRED – RECORDS FOR 28 DAYS.
CONTACT: SARAH HUSSAIN - NUMBER NOT AVAILABLE.
DOCUMENTATION LEFT WITH STAFF: CHALLENGE 25 INFORMATION PACK.
NOTES: *COULD NOT OUTPUT OR CHECK THE REFUSALS LOG.

This was concerning as I checked with the six local authorities in East Division to see
if Narak Khan held a personal licence but he was not registered at any of them. Also,
they claimed to have an electronic refusals log but this could not be checked on this
visit.
Since the store has been under the watch of Hussain, there have been a number of issues as follows:

On 5th January 2017, CCTV footage had been requested from the store at least six times but nobody can operate the system. The shopkeeper stated that since the change of DPS (to Hussain) they were not bothered before and the present one isn’t too. Visit made by PC 6402 Strug.

On 6th January 2017, the then licensing sergeant Jason Middleton visited at 0930hrs and spoke to ‘Amir’ who said Sarah Hussain was the new owner but the day to day running would be done by ‘Roka’. Staff member had no idea how to download footage despite being a licence condition.

On 12th January 2017, PS Middleton visited at 1145hrs with John Yardley from Burnley Council as the licence was suspended due to non-payment.

Although Sarah Hussain has been DPS and PLH since 2017, it is my belief that her associates have been involved with the running of this shop for much longer – with Hussain’s associate Rigby being involved with the store in 2012. At this point Rigby was working at the store and had no idea that all staff needed to have a personal licence.

It is clear that, for some years, there has been no consideration or serious attempt to abide by their licence conditions. Although stringent, I do not believe they are difficult to enforce in any way.

All the above supports our stance that the licensing objectives are undermined at this store.

The following options are available to the committee:-

1) Do nothing – However the lack of any tangible action from DPS and PLH causes grave concern regarding vulnerability and young people.

2) Modify the conditions of the licence – The Police feel that modifying the conditions may have some impact in promoting the Licensing Objectives but these modifications will have to be robust and proportionate.

3) Remove the Designated Premises Supervisor

4) Suspend the licence for a period not exceeding three months

5) Revoke the premises licence so that no alcohol can be sold at all.

In the opinion of Lancashire Police, the information presented here indicates the total undermining of the licensing objectives. There has been a failed test purchase and the DPS/PLH does not appear to have any care around her responsibility to sell alcohol responsibly. Despite police visits, this irresponsible
approach is still continuing. There are blatant breaches of licensing conditions constantly. It is my belief that this will simply continue as it has done since 2012.

Lancashire Police respectfully requests that the committee considers whether revocation of the premises licence is proportionate. At the least, some robust additional conditions and removal of DPS may be appropriate in the circumstances.

Regards

Sgt 3707 Gary Hennigean
Licensing Sergeant – East Division
Notice of determination of application for review of premises licence

The Burnley Borough Council,
being the licensing authority, on the 21st November 2011 received an application for review of a premises licence from the Chief Officer of Police in respect of premises known as Pommy’s, 9 Lyndhurst Road, Burnley, BB10 4ED.

At a meeting of the Licensing Sub-Committee held on Thursday 12th January 2012 a decision was made that the conditions attached to this notice be included on the premises licence.

The Committee considered that the decision was necessary in order to prevent public nuisance and to protect children from harm.

Dated 17th December 2009

Signed

Designation
Principal Licensing Officer
the officer appointed for this purpose

Please address any communications to:
Peter Henderson
Burnley Borough Council
Licensing Unit
Parker Lane,
Burnley
BB11 2DT

Note: An appeal against this decision may be made by the applicant/a person who made relevant representations/the Chief Officer of Police as applicable (see Schedule 5 of the Act) to the magistrates’ court for the petty sessions area (or any such area) in which the premises concerned are situated within 21 days from the date of receipt of the notification of the decision.
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Conditions attached to Premises licence PLA 0224 for Pommy’s, 9 Lyndhurst Road, Burnley BB10 4 ED following Licensing Review Hearing at Burnley Town Hall. Thursday 12th January 2012.

1. The store will operate a Challenge 25 policy. All customers who appear to be under the age of 25 will be asked for ID to prove they are over the age of 18.

2. Challenge 25 posters will be displayed prominently within the store.

3. All staff selling alcohol will be externally trained on the Award for Personal Licence Holders Course, prior to making sales of alcohol.

4. All staff will receive quarterly refresher training. The training will be documented and made available to the relevant authorities upon request.

5. An incidents and refusals register will be maintained at the store.

6. Till prompts will be installed on the till system to alert staff members of an alcohol sale reminding them to check for ID.
Licensing Sub-Committee
Procedure - Reviews

1. Agenda – appointment of Chair, previous minutes etc.

2. Some formalities to go through before the hearing starts.
   Firstly, go round the room getting names of everyone present.

3. Ask Licensing Manager to confirm:
   a. that all interested parties have been notified of the hearing;
   b. if there are any interested parties not present;
   c. if so, have they given notice that they intend to attend the hearing;
   d. invite representations whether it is in the public interest for the application to proceed in their absence or if it should be adjourned (will take into account representations made from parties not present but less weight can be given as they are not present to be tested on their evidence)

4. Procedure of the hearing:
   a. Firstly, the Licensing Officer will present the report
   b. Each party present, in turn, will make their representation, starting with the Police and then the Licence Holder
   c. When the Police have given their representation, the Committee Members can question them if they have any questions
   d. Cross-examination by another party is not normally allowed but if there is a specific question that you want to ask, you must seek the permission of the Committee to ask that question. You need to make that known to the Committee after they have asked any questions that they may have
   e. Then there is the same opportunity for the Licence Holder to present their case and Members may then ask questions. Again, cross-examination is not normally
allowed, and a request must be made to the Committee if the Police want to ask a question of the Licence Holder.

f. When all the questioning has finished, each party, in the same order, has the opportunity to sum up their case. At this point, you can’t introduce any new evidence or new issues – it is purely a summary of what has already been said.

g. At the end of the summing up, the Committee will then retire to make its decision.

h. Any questions before the hearing starts?

5. Licensing Officer then presents report
BURNLEY BOROUGH COUNCIL
LICENSING ACT 2003
THE CONDUCT OF HEARINGS

1. Application

1.1 All hearings subject to the Licensing Act 2003 (Hearings Regulations) 2005 will be held in accordance with this procedure. Schedule 1 details the hearing which are subject to this procedure.

2. Time of Hearing

2.1 Hearings will commence within the times illustrated in Column 2 of Schedule 1, and where the hearing is scheduled to take place on more than one day, it will take place on consecutive working days.

2.2 Hearings will normally take place from 2-5pm or 6-9pm on the day of the hearing, but hearings may take place at the discretion of the Committee of Sub-Committee appointed to hear the matter in exceptional circumstances.

3. Members of the Committee or Sub-Committee

3.1 Where the full Licensing Committee sit to hear an application, the full Committee will sit, excluding a member who:

   a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or

   b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated
c) has become an interested party by representing the applicant or any interested party prior to the hearing.

3.2 Where a Sub-Committee sit to hear an application, it will consist of 3 members of the full Committee and will exclude a member who:

a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or

b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated

c) has become an interested party by representing the applicant or any interested party prior to the hearing.

3.3 Members will act in accordance with the Licensing Act 2003, be aware of the Local Authority Co-ordinators of Regulatory Services Guidance on the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003 and the requirements of the Standards Board for England and Wales.

4. Opening of a Hearing and Identifying Parties to the Hearing

4.1 The Chair of the Committee or Sub-Committee will introduce the members of the Committee or Sub-Committee.

4.2 The Licensing Manager of Legal Advisor will advise the Committee of Sub-Committee but will not make recommendations or be part of the determination process. They will not retire with the Committee or Sub-Committee members for the purposes of a determination but the Legal Advisor may be asked by the Committee or Sub-Committee to give advice.

4.3 At the commencement of proceedings the Legal Advisor will identify in turn, each party to the hearing who is present, and in relation to that party, whether they are represented, and if so, by whom.

4.4 The Legal Advisor will identify in turn each party to the hearing who is not present at the hearing and in relation to that party will clarify;

a) whether there is evidence that they were given Notice of the Hearing
b) whether that party has given notice that they intend to attend or be represented

c) whether that party has given notice that they consider a hearing to be unnecessary

d) whether that party has given notice that they wish to withdraw their representation

4.5 Where a party has given notice that they do not intend to attend or be represented, the Committee or Sub-Committee will state whether they intend to proceed in the absence of that party.

4.6 Where a party has not given such notice and has failed to attend or be represented, the Committee or Sub-Committee will then decide whether it is necessary in the public interest to adjourn the hearing to a specified date or hold the hearing in the party's absence. The Committee or Sub-Committee may invite representations from the other parties present on this issue before making their decision.

4.7 The Committee or Sub-Committee, should it decide to proceed must subsequently consider the application, representation or notice made by a party who does not attend, attaching the appropriate weight of evidence to it.

5. Hearings to be held in public

5.1 Unless the Committee determine otherwise following consideration of representations, if any, from the parties present, the hearing shall take place in public. A member of the public, unless a party to the hearing or a person granted permission to address the hearing by the Committee or Sub-Committee at the request of one of the parties, shall not be entitled to address the hearing.

5.2 Where representations are made under 5.1 above, such parts or the hearing as the Committee or Sub-Committee in their absolute discretion determine shall be held in private.

5.3 The decision at paragraph 5.2 and the reasons for it will be given in public, and the Committee or Sub-Committee will also state whether any party or any persons assisting or representing a party are to be treated as a member of the public for this purpose.

6. Commencement of the Hearing
6.1 The Legal Advisor will explain the procedures that the Committee or Sub-Committee will follow at the hearing. In particular the Legal Advisor will clarify that:

a) the hearing will take the form of a discussion led by the Committee or Sub-Committee and cross-examination will not be permitted unless the Committee or Sub-Committee considers that cross examination is required for it to consider the representations, application or notice as the case may require.

b) Members of the Committee or Sub-Committee may ask a question of any party or other person appearing at the hearing.

c) Members of the Committee or Sub-Committee may take into account documentary or other information produced to the authority before the hearing in support of their application, representation or notice. These will have been provided to the Committee or Sub-Committee members by the Licensing Manager prior to the meeting and the substantive content of the documents need not be repeated verbally at the hearing.

d) Members of the Committee or Sub-Committee may take into account any new documentary or other information produced to the authority on the day of the hearing with the content of all other parties (if any) and the substantive content of any such documents need not be repeated verbally at the hearing.

e) Parties will be allowed a maximum equal period to exercise their rights, such period to be determined by the Committee or Sub-Committee.

f) Parties will be allowed to clarify points upon which they wish to support their application.

g) Parties may seek permission to question any other party subject to Paragraph a) above.

h) Parties may seek permission to address the Committee or Sub-Committee.

7. Procedure

7.1 The Licensing Manager or other appointed officer of the Licensing Authority are not a party to the hearing. The Manager will outline the facts of the application and relevant representations received from parties.
7.2 The Licensing Manager will then outline the legislation under which a determination is required.

7.3 The Licensing Manager will outline:

a) Relevant parts of the Act
b) Relevant subordinate legislation
c) Relevant sections from the statutory guidance made under Section 182 of the Act
d) Relevant paragraphs of the Statement of Licensing Policy made under Section 5 of the Act.
e) The time limit which the Committee or Sub-Committee must make a determination under the law.

7.4 Each party to the hearing present will then in turn provide information supporting or clarifying of their representations – commencing with the Responsible Authorities, followed by any interested party and then the applicant.

7.5 The Committee or Sub-Committee may advise all the parties of details of representations they have received from parties not present.

7.6 Thereafter each party, commencing with the Responsible Authorities, followed by any interested party and finally the Applicant, will be given an opportunity to summarise their representations. No new evidence will be allowed to be introduced by any party during the course of any such summation.

7.7 The Committee or Sub-Committee will disregard any information given by a party or any other person to whom permission to appear at the hearing has been given which is no relevant to;

a) Their application, representation or notice or in the case of another person, the application, representation or notice of the party requesting their appearance, and
b) the promotion of the Licensing Objectives or in the case of a hearing to consider a notice given by a chief officer of the police, the crime prevention objective only.

7.8 The Committee or Sub-Committee will satisfy themselves that they have heard all the relevant information and retire to make their decision in private.

8. Persons behaving in a disruptive manner

8.1 The Committee or Sub-Committee may require any person attending the hearing who in their opinion are behaving in a disruptive manner to leave the hearing and may;
a) refuse to permit that person to return, or
b) permit them to return only on such conditions as the Committee or Sub-Committee may specify

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

9. Adjournment of Hearing

9.1 The Committee or Sub-Committee may adjourn a hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this necessary to consider any representations or notice made by a party.

9.2 It will not adjourn a hearing in such a way to create an effect on the requirements of granting or rejecting an application under Schedule 8 of the Act or a review under Section 167 of the Act.

10. Determinations

10.1 The Committee or Sub-Committee will make its determination at the conclusion of the hearing but in certain circumstances may make a determination within a period of 5 working days of the last day of the hearing.

11. Notice of Determination

11.1 The Licensing Manager will issue a notice of determination forthwith to all parties. Such notice will include the reasons for the determination and details of the right of any party to appeal against the decision.

12. Record of Proceedings

12.1 The Democracy Team Officer will provide for a record of the hearing to be taken in a permanent and intelligible form and kept for 6 years from the date of determination.
<table>
<thead>
<tr>
<th>Provision under which hearing is held.</th>
<th>Period of time which hearing must be commenced.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 18(3)(a) (determination of application for premises license)</td>
<td>20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c)</td>
</tr>
<tr>
<td>Section 31(3)(a) (determination of application for a provisional statement)</td>
<td>20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.</td>
</tr>
<tr>
<td>Section 39(3)(a) (determination of application to vary premises license)</td>
<td>20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).</td>
</tr>
<tr>
<td>Section 39(3)(a) (determination of application to vary premises license to specify individual as premises supervisor)</td>
<td>20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5)</td>
</tr>
<tr>
<td>Section 44(5)(a) (determination of application for transfer of premises license)</td>
<td>20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6)</td>
</tr>
<tr>
<td>Section 48(3)(a) (cancellation of interim authority notice following police objection)</td>
<td>5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2)</td>
</tr>
<tr>
<td>Section 52(2) (determination of application for review of premises licence)</td>
<td>20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).</td>
</tr>
<tr>
<td>Section 72(3)(a) (determination of application for club premises certificate)</td>
<td>20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c)</td>
</tr>
<tr>
<td>Section 85(3) (determination of application to very club premises certificate)</td>
<td>20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4)</td>
</tr>
<tr>
<td>Section 88(2) (determination of an application for review of club premises certificate)</td>
<td>20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c)</td>
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<td></td>
<td>Section/Paragraph</td>
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<tr>
<td>11.</td>
<td>Section 105(2)(a) (counter notice following police objection to temporary event notice)</td>
</tr>
<tr>
<td>12.</td>
<td>Section 120(7)(a) (determination of application for grant of personal licence)</td>
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<tr>
<td>13.</td>
<td>Section 121(6)(a) (determination of application for the renewal of personal licence)</td>
</tr>
<tr>
<td>14.</td>
<td>Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence)</td>
</tr>
<tr>
<td>15.</td>
<td>Section 167(5)(a) (review of premises licence following closure order)</td>
</tr>
<tr>
<td>16.</td>
<td>Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)</td>
</tr>
<tr>
<td>17.</td>
<td>Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)</td>
</tr>
<tr>
<td>18.</td>
<td>Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices’ licence for grant of personal licence)</td>
</tr>
</tbody>
</table>