



BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Wednesday, 20th December, 2017

PRESENT

MEMBERS

Councillors I Carmichael, G Frayling and A Kelly

OFFICERS

Emma Barker	– Principal Legal Officer - Litigation & Regulation
Eric Dickinson	– Democracy Officer
Claudia Wilcock	– Business Administration Apprentice

10 Appointment of Chair

Councillor Anne Kelly was appointed as Chair for this meeting.

11 Exclusion of the Public

That the determination of a review of a Premises Licence at Drinks Express at 260, Colne Road, Burnley, Lancashire under Section 52 of the Licensing Act 2003 be held in public.

12 Determination of a Premises Licence Application-Drinks Express

Representatives from Drinks Express were absent.

An adjournment was considered further to the email from Licensing Matters received yesterday but the committee decided to proceed in the licence holder's absence pursuant to regulation 20 (2) (b) of The Licensing Act 2003 (Hearings) Regulations 2003.

John Yardley reported on a review of a Premises Licence at Drinks Express, 260 Colne Road, Burnley under Section 52 of the Licensing Act 2003 and presented his case on behalf of the Licensing Authority.

Sergeant James Middleton and John Clucas presented their case on behalf of Lancashire Constabulary.

Anthony Rutherford presented his case on behalf of the Home Office.

Rick Wilson, Dawn Robinson, and Lauren Manning presented their case on behalf of Lancashire County Council Trading Standards Service.

Members and the relevant parties set out above asked questions regarding the review.

DECISION AND REASONS FOR DECISION

Decision

That the premises licence numbered PLA0065 granted under the Licensing Act 2003 in respect of "Colne Road Off Licence" 260 Colne Road, Burnley BB10 1DZ be revoked.

Reasons for Decision

- (a) There were 8 separate incidents between 19th July 2010 and 10th July 2017 relating to illicit cigarettes and/or alcohol products, an assault on a Trading Standards Officer and an immigration matter.
- (b) These incidents have resulted in prosecution proceedings relating to the assault on the Trading Standards Officer and possession and supply of tobacco products seized on 20th February 2014 and resulted in a £600 fine and £3300 costs.
- (c) A £20,000 civil penalty was imposed in relation to the Immigration matter, of which £15,000 is outstanding.
- (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. These include "the sale or storage of smuggled tobacco and alcohol". In respect of such offences, the guidance envisages that licensing authorities will use review procedures effectively in order to deter such activities and crime and that revocation, even in the first instance, should be seriously considered;
- (e) The incidents, and resultant convictions, took place and were repeated over a considerable number of years.
- (f) 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.
- (g) In those circumstances it is considered that revocation of the licence serves to promote the crime prevention objective; and
- (h) 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.