



LICENSING SUB COMMITTEE 1

BURNLEY TOWN HALL

Tuesday 18th October 2016

PRESENT

MEMBERS

Councillor Howard Baker in the Chair.

Councillors Margeret Brindle and Ann Royle

OFFICERS

David Talbot	- Senior Solicitor
John Yardley	- Licensing Enforcement Officer
Eric Dickinson	- Democracy Officer

ALSO IN ATTENDANCE

Zia Aslam	- Owner
Saneer Riaz	- Licence Holder
Nicholas Dearing	- Solicitor
James Middleton	- Police Officer
Nicolas McNamara	- Trading Standards
Rick Wilson	- Trading Standards

1. Appointment of Chair

Councillor Howard Baker was appointed Chair of the Meeting.

2. Minutes of the Last Meeting

The Minutes of the last meeting held on the 8th December 2015 were agreed as a correct record.

3. Exclusion of the Public

RESOLVED That the determination of a review of a Premises Licence under Section 52 of the Licensing Act 2003 for Top Shop, 31 Thurston Street, Burnley, BB11 3DJ be held in public.

4. Determination of an application for review of a Premises Licence under Section 52 of the Licensing Act 2003 for: Top Shop, 31 Thurston Street, Burnley. BB11 3DJ.

John Yardley reported on an application received for a review of a Premises Licence under Section 52 of the Licensing Act 2003 for Top Shop, 31 Thurston Street, Burnley. BB11 3DJ.

Nicolas McNamara and Rick Wilson attended the meeting and presented their case.

James Middleton attended the meeting and presented his case.

Zia Aslam and Saneer Riaz attended the meeting with their legal representative Nicolas Dearing, and presented their case.

Members asked questions regarding the application.

DECISION That the Premises Licence numbered PLA0143 granted under the Licensing Act 2003 in respect of “Top Shop”, 31 Thurston Street, Burnley. BB11 3DJ be revoked.

REASONS FOR DECISION

- (a) There were 13 separate occasions between 1st February 2009 and 15th June 2016 relating to illicit cigarettes, counterfeit DVDs and/or alcohol products;
- (b) These incidents had resulted in 5 sets of prosecution proceedings relating to the majority of the incidents, all of which had resulted in convictions for the various offences arising out of the incidents;
- (c) 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 in Paragraph 11.28 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;
- (d) The incidents, and resultant convictions, took place and were repeated over a considerable number of years;
- (e) It is not believed that the involvement of Sakeena Riaz (who has recently been appointed as premises licence holder and designated premises supervisor) will result in the promotion of the crime

prevention objective as it is not accepted that she will have sufficient control over her husband, Zia Aslam (the owner of the premises). It is noted, in particular, that Sakeena Riaz was unaware of a number of the earlier issues that had arisen in connection with the premises as this information had not been communicated to her by Zia Aslam;

- (f) In those circumstances it is considered that revocation of the licence serves to promote the crime prevention objective;
- (g) The premises had an inadequate age verification policy in that it did not require individuals who appeared to be under 18 to produce appropriate identification before being served alcohol and was therefore being operated in breach of the condition of the licence relating to age verification;
- (h) The refusals register kept at the premises had not been properly maintained and/or inadequate instructions had been given to employees or persons working at the premises in relation to entries that should be made in the refusal register;
- (i) There was an appointed designated premises supervisor in relation to the premises but he had not been contactable when necessary in relation to questions regarding age verification;
- (j) There was a failed test purchase on 16th September 2014;
- (k) It is not believed that the recent appointment of Sakeena Riaz will promote the objective of protecting children from harm as it is considered that she will have insufficient control over Zia Aslam for the reasons set out above;
- (l) The matters set out in paragraphs (g) to (k) inclusive above had and/or have the effect of undermining the licensing objective of the protection of children from harm; and
- (m) Consideration has been given to all the powers available to the licensing authority under section 52(4) of the Act and it is concluded that revocation of the licence is both necessary and proportionate in the circumstances.