

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>LICENSING PANEL</b>	<b>6 NOVEMBER 2012</b>

Report template revised June 2008



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
<b>REVIEW OF PREMISES LICENCE – KWIKSAVE LOCAL 12-14 STANIFIELD LANE, FARINGTON PR25 4GA</b>	<b>REGENERATION, LEISURE AND HEALTHY COMMUNITIES</b>	<b>KAY LOVELADY</b>	<b>4</b>

## **SUMMARY AND LINK TO CORPORATE PRIORITIES**

An application has been received from Lancashire Constabulary for a Review of the Premises Licence at Kwiksave Local, 12-14 Stanifield Lane, Farington PR25 4GA

The Police state that they do not have any confidence that the Designated Premises Supervisor/Premise Licence Holder (Mohammed Shaan Iqbal). They don't believe he has proper control over the activities taking place at the premises. The premises came to the attention of the police following non-compliance with the Licensing Act 2003. Further enquiries have discovered that the premises are employing persons who are unlawfully in the UK and who are not entitled to work. The Police believe that the employment of such persons is a criminal offence and can have connections with organised crime.

The Police believe that that the licensing objective of preventing crime is being undermined.

The application could have an impact on several of the Council's Corporate Priorities. It should be borne in mind however, that the application must be determined in accordance with the Licensing Act 2003, Council's Licensing Policy Statement and the statutory guidance issued under Section 182 of the Licensing Act 2003.

## **RECOMMENDATIONS**

The panel conduct the hearing in accordance with the hearing procedure and decide accordingly.

## **DETAILS AND REASONING**

Attached is a copy of the Application form detailing the grounds that the Police have for concern. In addition the Police have provided a witness statement from Niky Barrett, SRBC Licensing Enforcement Officer.

The application form and statements give examples of the aforementioned crime and disorder detailing concerns regarding the running of the premises. It would appear there have been concerns regarding the premises licence holders since January 2012 with the licence changing hands on several occasions between people who appear to be connected. There have been issues at other premises outside the borough also being run by these people and a successful review leading to the licence being suspended.

The premises licence is now in the name of Mr Mohammed Shaan Iqbal who also acts as the designated premises supervisor. The premises was visited by the Licensing Enforcement Officer in August 2012 where issues of non-compliance were found. In addition, Mr Iqbal was not present and was not contactable. A warning letter was sent to Mr Iqbal and a further visits established that the areas of concern had not been addressed and once again Mr Iqbal could not be contacted. The person in charge of the property on both occasions (Mr Khan) had poor English skills and on further

investigation was found to be in the UK illegally. When asked to provide his passport Mr Khan tried to abscond. The Police gave chase and Mr Khan resisted arrest and assaulted the Police Officer before being detained.

Mr Iqbal has since indicated that he has sold the premises to a Mr Mohmed Rokad but no evidence of this has been provided and neither has the licence been transferred to the alleged new owner. The Police spoke to Mr Rokad who claimed not to have known Mr Khan was in the country illegally. Following a further visit to the premises it was found that another employee a Mr Patel who was working in the shop was also an illegal immigrant.

The Police have real concerns about the ownership and management of these premises. They state that it is evident that they are employing illegal immigrants. There has been no contact from the current premises licence holder.

The failures outlined seriously impact on the licensing objectives. The Police state that no conditions could be put in place to redress the problem and ask that the Committee to revoke the licence.

### **Representations from Responsible Authorities**

There were no representations from any other Responsible Authorities.

### **Representations from Interested parties**

There were no representations from any Interested Parties

### **Licensing Act 2003**

The Council must carry out its licensing functions with the intention of promoting the licensing objectives.

The licensing objectives are:-

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

The Council must also have regard to:

1. Its own Policy Statement;
2. Secretary of State guidance (Section 182 of the Licensing Act 2003).

### **The Legislation**

Under Section 52 Licensing Act 2003 the Authority must have regard to the application and any relevant representations and take such steps ...(as are outlined below)... if any, as it considers necessary for the promotion of the licensing objectives.

The steps are:-

- a. to modify the conditions on 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 3 months
- e. to revoke the licence.

Obviously the Committee can also choose to do nothing for example if the application is frivolous, vexatious or repetitive and the Committee must ensure that any action they take is proportionate to the four licensing objectives.

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

<b>FINANCIAL</b>			
<b>LEGAL</b>			
<b>RISK</b>	The full risk assessment forms part of the background papers to this report. The main points for consideration are summarised here:-		
<b>THE IMPACT ON EQUALITY</b>	There is no impact on equality. No one is barred on equality reasons from either making an application or a representation either for or against an application		
<b>OTHER (see below)</b>			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

## BACKGROUND DOCUMENTS

Risk Assessment