

REPORT TO	DATE OF MEETING
LICENSING PANEL	5 February 2013

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
REVIEW OF PREMISES LICENCE – SINGH STORES 103-105 BANNISTER DRIVE LEYLAND PR25 2GD	REGENERATION, LEISURE AND HEALTHY COMMUNITIES	KAY LOVELADY	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been received from Lancashire Constabulary for a Review of the Premises Licence at Singh Stores 103-105 Bannister Drive Leyland PR25 2GD

The Police state that they real concerns over the management of the premises and compliance with the legislation. The premises came to the attention of the police following a report of a fight involving a member of staff and a customer. The police state that the circumstances surrounding this fight and subsequent attempts to secure evidence, demonstrated an undermining of the prevention of crime and disorder objective. The Police also state that they have concerns regarding the effective management and retail sale of alcohol to vulnerable persons in the community.

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 Police Community Support Officer Berwick and copy incident report forms.

The application form and statements give examples of the aforementioned crime and disorder detailing concerns regarding the running of the premises. In September 2012 the premises licence holder and DPS, Mr Bhalihar Sing submitted an application to vary the premises licence to alter the opening hours. The police initially had no objection to the application following the addition of certain conditions to the licence. A letter confirming this was sent to the Local Authority on the 8th October 2012.

On 11th October 2012 the police received a report of a fight at the premises. It was alleged that the shopkeeper was fighting with a customer. The person in charge of the shop was a Mr Khan who explained that a customer had questioned the manner in which he had taken some money from an elderly customer. An argument had ensued which resulted in Mr Khan removing the customer from the shop and whilst in the process of doing so he was assaulted. Although the shop did not want to proceed further with the matter the police were required to complete their investigations. The Police state that there were then issues of non-co-operation in relation to the provision of CCTV evidence following problems at the premises and the Community Support Officer was required to seek assistance from the Police before the CCTV evidence was disclosed.

The Police attended the store on the 16th October to seek disclosure of the CCTV footage and whilst at the store witnessed two customers enter the premises. The Police state that both customers appeared under the influence of alcohol yet were still sold alcohol. Mr Khan was questioned regarding the sales and reminded about his responsibility in respect of selling alcohol to persons under the influence of drink. Whilst at the shop a Mandip Singh (who stated he was the brother of the DPS) played the CCTV footage. The Police state it then became clear that what happened was different to the explanation initially given. Copy of the CCTV footage will be played at the hearing.

Mr Singh was advised about the police's concerns regarding Mr Khan and also regarding the inappropriate sale of alcohol. The Police also informed him that they had concerns regarding the sale of alcohol to persons on the estate who had alcohol issues. As a result of everything the Police stated that they would be withdrawing their initial response to the variation application and would be replacing it with a representation against the application. In addition they would be submitting an application for a Review.

The failures outlined seriously impact on the licensing objectives. The Police state that no conditions could be put in place to redress the problem neither would removal of the DPS assist and ask that the panel to revoke the licence.

Representations from Responsible Authorities

At the time of writing this report no representations had been received

Representations from Other parties

A representation was received from New Progress Housing Association raising concerns about how the above mentioned incidents and poor management of the premises may impact on users of an adjoining support scheme and in particular the children and vulnerable persons who attend the centre.

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 panel can also choose to do nothing for example if the application is frivolous, vexatious or repetitive and the panel 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.

FINANCIAL	There are no financial implications for the authority.		
LEGAL	<p>When determining this hearing the Council must comply with the rules of natural justice.</p> <p>Any party at the hearing has the right of appeal to the Magistrates Court.</p>		
RISK	<p>Please see the background papers to this report. The main points for consideration are summarised here:-</p> <p>See above</p>		
THE IMPACT ON EQUALITY	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		
OTHER (see below)			
<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