

REPORT TO	DATE OF MEETING
LICENSING PANEL	19 MARCH 2013

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
REVIEW OF PREMISES LICENCE – SPAR 222 HOGHTON LANE, HOGHTON PR5 0JH	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 Spar 222 Hoghton Lane, Hoghton, Preston, Lancashire PR5 0JH

The current premises licence holder and designated premises supervisor (DPS) is a Mr Waqar Mahmood. The premises came to the attention of the police following a joint operation with the UK Border Agency (UKBA) and it was found that the premises were 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

Members will recall that this matter was first considered on the 4th December 2012. At the conclusion of the hearing the panel decided that there had been several statements of fact but no evidence to substantiate those claims and as such they were not in a position to make a final decision. The panel requested answers to 12 questions which required responses from the Police, UKBA, WWS Accountants and Spar.

Details of the questions and responses received to date are attached to this report.

Full details of the application for Review and all evidence considered at the hearing on the 4th December 2012 are also attached to this report.

Members are asked to determine this matter

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	When determining this hearing the Council must comply with the rules of natural justice. Any party at the hearing has the right of appeal to the Magistrates Court
RISK	The full risk assessment forms part of the background papers to this report. The main points for consideration are summarised here:-
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