

REPORT TO	DATE OF MEETING
LICENSING PANEL	19 SEPTEMBER 2013

Report template revised June 2008



SUBJECT	PORTFOLIO	AUTHOR	ITEM
REVIEW OF PREMISES LICENCE – KWIK STOP NEWS AND BOOZE	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 Kwik Stop News and Booze, 43-45 Linden Drive, Lostock Hall, Preston Lancashire PR5 5AR

The Police state that they suspect that the Premises Licence Holder, Sadir Hussain has been receiving stolen property from local youths, selling cannabis and selling alcohol to underage persons. The Police state that Premises Licence Holder has been obstructive and aggressive to Police Officers when they have been conducting enquiries into stolen property. The premises have been subject to a drugs warrant and the Premises Licence Holder was found to be in possession of cannabis bush. The Police state that there are also issues in respect of non-compliance with the licensing conditions.

The Police believe that the licensing objective of preventing crime is being undermined along with the objective in respect of the protection of children from harm.

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 PC Victoria Salkeld, PC Nicola Jackson and PCSO 7469 Natalie Iddon.

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 holder since May 2013 following an enquiry into stolen mobile phones. It is alleged that intelligence gave rise to suspicions that not only was the Premises Licence Holder receiving stolen goods but that he was also dealing in cannabis and selling alcohol to underage youths. Whilst PC's Salkeld and Jackson carried out their enquiries they found the Premises Licence Holder to be obstructive and un-cooperative particularly in respect of allowing them to view the CCTV footage at the premises.

On the 12th June 2013 a search warrant was obtained to search the premises under the Misuse of Drugs Act. Despite denying the existence of drugs on the premises or the person a quantity of cannabis was found in the Premises Licence Holders possession and he was allegedly flippant to the Police officers when they questioned him regarding his previous denial allegedly stating "It's your job to

find it". After the initial find further quantities of cannabis were found in a vehicle registered to the Premises Licence Holder. Mr Hussain has subsequently received a caution for the possession of cannabis.

The Police have real concerns about the ownership and management of these premises. 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 panel to revoke the licence.

Representations from Responsible Authorities

There was one representation from Trading Standards which outlines details of a test purchase operation undertaken at the premises in relation to the alleged sale of single cigarettes to children. This resulted in a 15 yr old girl being sold a packet of cigarettes by a Mr Adil Hussain. The Adil Hussain was believed to be the brother of Mr Sadir Hussain the Premises Licence Holder. Mr Sadir Hussain was required to attend an Age Restricted Products Awareness Course.

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 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		
LEGAL	The Licensing Authority are under a statutory duty to facilitate the Review Hearing. Any party to the proceedings have the right to appeal the decision 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