

**LICENSING ACT 2003 SUB-COMMITTEE  
TUESDAY 24<sup>th</sup> APRIL 2012**

**PRESENT** – *Councillor John Wright (in the Chair), Councillor  
Councillor Roy Davies and Councillor Jim Smith*

**RESOLUTIONS**

**55 Declarations of Interest**

There were no declarations of interest

**56 Application for a review of a Premises Licence – Lynwood Wines, 285/287  
Blackburn Road, Darwen, Lancashire, BB3 OAB.**

The Sub-Committee considered an application for a review of a Premises licence in respect of Lynwood Wines, 285/287 Blackburn Road, Darwen, Lancashire, BB3 OAB. The application had been submitted by PC2549 Steven Finley, Police Licensing Officer under section 51 of the Licensing Act 2003, on 14<sup>th</sup> March 2012.

It was reported that the grounds for the review were the Protection of Children from Harm. The premises had failed two consecutive test purchase operations in a three month period.

A copy of the application and supporting statement from PC Finley was attached to the report at appendix 1 and appendix 2b. Attached to the report at appendices 2 and 2a were witness statements that had been submitted by Mansoor Ellahi, Senior Public Protection Officer based in the Council's Trading Standards Service.

All responsible authorities had been consulted and advertisements had been displayed in accordance with the provisions of the Licensing Act.

In considering the application for the review, Members took into account the information presented by the Council's Public Protection and Trading Standards Officers and representations from P C Steve Finley.

Following submissions by the Council's Public Protection and Trading Standards Service, representations from P C Finley and Mr Mohammed Shuiab Iqbal, Designated Premises Supervisor at Lynwood Wines and a personal licence holder, the Sub-Committee retired to seek legal advice.

The Chair of the Sub Committee advised those present that in reaching a decision, the Sub Committee had considered the Licensing Act 2003 and the section 182 guidance, relevant human rights articles, representations from the Police, the DPS Premises Licence Holder, Trading Standards Officer and the Council's Public Protection Service.

The Chair also advised that the Sub Committee had considered the recommendations put forward by the Police, and in terms of suspension had considered the relevant section of the 182 guidance, including taking into account the possible financial detriment that Mr Iqbal would suffer, as a consequence of his employees' actions. The Sub Committee had also considered the conditions Mr Iqbal was willing to accept.

**RESOLVED** – That the Premises Licence in respect of Lynwood Wines, 285/287 Blackburn Road, Darwen, Lancashire, BB3 0AB be suspended for a period four weeks as a necessary means of promoting the Licensing objective of the Protection of Children from Harm.

The following conditions also to be imposed:

- Challenge 25 scheme to be adopted.
- Existing and new staff to complete Award in Responsible Alcohol Retailing Course (ARAR)
- CCTV system to be operational by the end of the suspension period
- Refusal book to be maintained and checked on regular basis

The Sub Committee believed that the proposed conditions would assist in the prevention of future under age sales. The Chair also advised that the Sub Committee had suggested that Mr Iqbal should seriously consider the number of premises of which he is the Designated Premises Supervisor.

Mr Iqbal was advised that he would receive written determination of the decision of the Sub Committee within five working days and on receipt of the written decision would have a period of twenty one days to lodge an appeal with the Magistrates Court. Mr Iqbal was also advised that the suspension would not commence until a period of twenty one days had lapsed or an appeal had been dispensed with.

Signed .....  
Chair of the meeting at which the Minutes were signed

Date .....