

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>18<sup>TH</sup> APRIL 2018</b>
<b>SUBJECT:</b>	<b>APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF BEST ONE, 99 CHESHAM FOLD ROAD, BURY, BL9 6JZ</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an application for the transfer of a Premises Licence under section 42 of the Licensing Act 2003 in respect of Best One, 99 Chesham Fold Road, Bury, BL9 6JZ
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>To reject the transfer application if it considers it is necessary for the promotion of the crime prevention objective to do so; or</li> <li>To grant the transfer of the premises licence.</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
<b>Statement by Executive Director of Resources:</b>	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	

	Yes <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
<b>Wards Affected:</b>	MOORSIDE
<b>Scrutiny Interest:</b>	Overview and Scrutiny Panel

## TRACKING/PROCESS

## DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

### 1.0 INTRODUCTION

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

### 2.0 BACKGROUND

- 2.1 The premises licence was held by Ishfaq Hussain, 121 Ormerod Street, Accrington, BB5 0QQ.
- 2.2 On the 5th March 2018, the Licensing Authority received an email from the Insolvency Service stating that the Official Receiver had received notice of a bankruptcy order being made against Ishfaq Hussain on 2<sup>nd</sup> March 2018 this resulted in the lapse of the premises licence.
- 2.3 Section 50(1)(a) permits the reinstatement by transfer where a premises licence lapses by virtue of section 27 (death, incapacity or insolvency etc).
- 2.4 Section 50(5) states where an application is made, the premises licence is reinstated from the time the application is received by the relevant Licensing Authority.
- 2.5 Section 50(6) states "But the licence lapses again if, and when-
- (a) the applicant is notified of the rejection of the application, or
  - (b) the application is withdrawn.

- 2.6 Section 50(7) states "only one application for transfer of a premises licence may be made in reliance on this section".
- 2.7 On the 6<sup>th</sup> March 2018, the licensing office received an application to transfer the premises licence with immediate effect into the applicant's name of Mohbeen Hussain, 121 Ormerod Street, Accrington BB5 0QQ.
- 2.8 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.9 As part of the statutory process the Chief Officer of Police is entitled to make a representation by way of a notice under section 42(6) of the Licensing Act 2003 in relation to the transfer of a premises licence where he is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- 2.10 Where such a representation is made and not withdrawn, members are required to determine whether the transfer application should be granted or not.

### 3.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 3.1 A notice under section 42(6) of the Licensing Act 2003 was lodged by Greater Manchester Police on 20<sup>th</sup> March 2018 allowing them to make representations. See attached at Appendix 1.
- 3.2 The Police will shortly expand upon the reason(s) for their representation in relation to this application which they request the Panel to refuse.

### 4.0 OBSERVATIONS

- 4.1 After hearing the representation made and the evidence presented, members are obliged to determine the application with a view to determining if there are exceptional circumstances that would mean granting the transfer application would undermine the crime prevention objective, having regard to the Authority's Licensing Policy and National Guidance.

### 5.0 OBSERVATIONS

- 5.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance issued by the Secretary of State.

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#### **List of Background Papers:-**

Application form  
Representation received  
Plan

#### ***For further information on the details of this report, please contact:***

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