
LICENSING SUB COMMITTEE

Tuesday, 15th October, 2019

Present: Councillor Stephen Button (in the Chair), Councillors Jean Battle MBE and Sara Britcliffe

140 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

There were no apologies for absence, declarations of interest or dispensations.

141 Minutes of the Last Meeting

The Minutes of the last meeting held on 3rd July 2019 were submitted for approval.

Resolved - **That the Minutes be received and approved as a correct record.**

142 Licensing Hearing Procedure

The Council's Conduct of Hearing Procedure to be used in relation to a hearing required under the Licensing Act was submitted.

Resolved - **That the Procedure be noted.**

143 Licensing Act 2003 Determination Hearing - The Pack, Belthorn

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager (Mrs Redfern) advised the Licensing Sub-Committee of the details of an application that had been received for a Premises Licence for the Pack, Elton Road, Belthorn, under Section 18 of the Licensing Act 2003.

The copy of the Licensing Authority's Conduct of Hearings Procedure had been circulated prior with the agenda prior to the meeting.

The Licensing Manager informed the Sub-Committee of a number of representations received by the Council objecting to the proposed licence under the current conditions. She reported that one of the objections had since been withdrawn.

The Sub-Committee gave consideration to the evidence objecting to the application from Councillor Marlene Haworth and a resident. Their objections related to residents' concerns about the current location of the entrance to the premises (which was not the same layout plan that had been submitted with the application) which they felt would increase the likelihood of noise nuisance and anti-social behaviour. They also expressed concern about the opening hours which they felt were too early and too late. They pointed out that residents would prefer more reasonable opening hours and suggested that the layout of the premises was changed to the former layout to protect against noise nuisance and anti-social behaviour. They also proposed that the external wall surrounding the premises was raised to help to prevent noise nuisance.

The Sub-Committee was referred to additional information supplied by the applicants of the Pack including:

- Copy of an extract from Licensing Register
- Copy letter sent to Resident Objectors (26.09.2019)
- Copy letter sent to Resident Objectors (04.10.2019)
- Copy e-mail Exchange with Lancashire Constabulary
- Copy email/Freedom of Information Response from Hyndburn Borough Council
- Copy Judgement (Daniel Thwaites vs Wirral Borough Magistrates Court)

The premise owner, Switzer Holding (UK) Limited, was represented at the meeting by Adam Chapman (Director) and their Solicitor, Samantha Faud, Naphens Solicitors. The applicant circulated a pack of documents prior to the meeting, as outlined above, and also offered to amend the requested hours for the sale of alcohol and permitted opening hours. In addition the following three conditions were also offered: the customers not being permitted to take drinks into the external area after 21:00 hours, no amplified music in the external areas and the use of a preferred taxi company.

The Sub-Committee considered the application and representations. They took into account the statutory guidance pursuant to S 182 of the Licensing Act and in accordance with Section 18 of the Licensing Act 2003 made its findings.

Resolved

- (1) That, having taken into account Section 182 of the Licensing Act and in accordance with Section 18 of the Licensing Act 2003 and after considering the representations made by the applicant's representative and the objectors, the application for a Premises Licence was granted subject to the amendments as set out in the decision notice to reduce the opening hours; and**
- (2) That the following additional conditions be added to the premise licence:**
 - 1. Customers shall not be permitted to take drinks into the external area after 21:00 each day and signs will be placed at the exit advising customers accordingly;**
 - 2. There shall be no amplified music permitted in the external areas and no speakers will be situated in the external areas at any time;**
 - 3. When requested to order taxis for customers, the premises will utilise a taxi company who have previously agreed not to sound their horns to signal their arrival.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed