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## LICENSING SUB COMMITTEE

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**Monday, 5th October, 2015**

**Present:** Councillor Joyce Plummer (in the Chair), Councillors Terry Hurn and Paul Thompson

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**200 Apologies for Absence**

There were no apologies for absence.

**201 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**202 Minutes of Meetings**

The Minutes of the meetings of the Licensing Sub-Committee held on 13<sup>th</sup> and 15<sup>th</sup> May 2015 were submitted for approval as correct records.

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

**203 Licensing Hearing Procedure**

The Licensing Sub-Committee was advised of the Council's Conduct of Hearings Procedure which was to be used in relation to hearings required under the Licensing Act 2003. The Procedure was attached as Appendix E to the undermentioned application.

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

**204 Licensing Act 2003 Determination Hearing - The Mint Tree, 1 Glebe Street, Great Harwood**

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager advised the Licensing Sub-Committee of an application for a variation of a premises licence in respect of The Mint Tree, 1 Glebe Street, Great Harwood, BB6 7AA and a report relating thereto was submitted. The application was attached as Appendix A to the report. The applicant had requested that a condition relating to three registered door supervisors be removed and replaced with the additional condition: "The premises shall have on duty one SIA registered door supervisor from 22.00 hours until fifteen minutes after closing, every Friday and Saturday, Sunday preceding a bank holiday, all bank holidays, Christmas and New Year's Eve". The current licence was attached as Appendix B to the report. Additional information in the form of a Declaration of Statement made by the applicant and two witness statements was submitted. The information included an amendment to the variation licensable activities applied for in Appendix A.

Representations had been received against the application from one of the Responsible Authorities (Lancashire Constabulary) and the operating schedule had been amended in

response to those representations. The proposed amendments were attached as Appendix C to the report.

Representations had also been received from another of the Responsible Authorities (Environmental Health) on the grounds of prevention of public nuisance following noise complaints having been received from members of the public and the serving of a noise nuisance abatement notice. The representations were attached as Appendix D to the report. Additional information relating to those representations and the attendance at the hearing of a resident who resided about the premises was submitted.

Valid representations had also been received from interested parties and related to the licensing objectives regarding the Prevention of Public Nuisance, the Prevention of Crime and Disorder and Public Safety. Those representations were also set out in Appendix D to the report.

The Hyndburn Borough Council Licensing Hearing Procedure to be followed in relation to hearings required under the Licensing Act 2003 was attached as Appendix E to the report.

The applicant (Loco Bars Ltd.), together with a representative had been invited to attend the hearing and in that respect the applicant's representatives David Sinclair Snr (Designated Premises Supervisor) and David Sinclair Jnr (Premises Manager) were in attendance. Chantelle Furness, a resident living above the premises was present in support of the application, having indicated to the Sub-Committee that her complaints about noise nuisance had been resolved.

Representatives from the Responsible Authorities and the other objectors had also been invited to attend and in that respect Paul Thwaites (Environmental Health), Carl Jervis (Baggys Wine Bar) and John Yeoman and his business associate Sebastian Shepherd (Queen Street, Great Harwood) were present. Video evidence of an event taking place and facebook information relating to the promotion of events and free alcoholic shots or deals on alcohol were submitted at the hearing in support of the representations made by John Yeoman (allegations of loud music and irresponsible promotions).

The Sub-Committee considered the application, as amended, together with representations made by the applicant, the applicant's representatives, the relevant authorities and the objectors and prior to a formal decision being made, sought legal advice thereon.

#### **Decision of the Sub-Committee:-**

##### **Resolved**

- **That in accordance with Section 35(4) of the Licensing Act 2003, the application (as amended) for a variation of a premises licence in respect of The Mint Tree, 1 Glebe Street, Great Harwood be:-**
  1. **Granted in respect of the variation of hours sought in respect of the opening hours and hours during which licensable activities may be carried out on the premises.**
  2. **Refused in respect of the application to replace the current condition relating to SIA registered door staff with a condition agreed between the applicant and the Police.**

**3. Modified by the replacement of the current condition relating to SIA registered door staff with a condition in the form agreed between the applicant and Police, but amended by the substitution of a reference to two door supervisors for the reference to one SIA registered door supervisor in the condition sought by the applicant.**

**4. Granted subject to the relevant mandatory conditions prescribed by the Act and to the additional conditions set out in the report. The reasons for the decision were outlined at the meeting and set out in the decision notice.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed