
L I C E N S I N G S U B - C O M M I T T E E

Wednesday, 13th May 2015

Present: Councillors Bernard Dawson, Marlene Haworth and Abdul Khan

549 Apologies for Absence

There were no apologies for absence.

550 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

551 Appointment of Chair

The Licensing Sub-Committee was requested to appoint a Chair for the meeting only.

Resolved - **That Councillor Bernard Dawson be appointed Chair for the meeting only.**

552 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 D to the undermentioned application.

Resolved - **That the Council's Hearing Procedure be noted.**

**553 Licensing Act 2003 Determination Hearing
Top Shop, 29 Limefield Street, Accrington, BB5 2AF**

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager (Mr. Bee) advised the Licensing Sub-Committee of an application that had been received for the granting of a new premises licence in respect of Top Shop, 29 Limefield Street, Accrington and submitted a report relating thereto. The full application and full operating schedule were attached as Appendix A to the report. The operating schedule had been amended in response to representations made by Lancashire Constabulary against the application and those amendments were attached as Appendix B to the report. The representations had subsequently been withdrawn. The Licensing Manager submitted a plan showing the location of the premises (circulated at the meeting).

No representations had been received from the Responsible Authorities.

Forty-five valid representations had been received, forty-two from members of the public, one from a head teacher, one from a Hyndburn Council elected Councillor and one petition containing eighty signatures. The representations were deemed to be valid as they related to the licensing objectives “the prevention of public nuisance”, “the protection of children from harm” and “the prevention of crime and disorder”. The representations were attached as Appendix C to the report. Additional information relating to one of the representations received from two members of the public was circulated prior to the meeting. The information referred to Sections 4.5 and 15 of the Hyndburn Borough Council Licensing Policy 2011 – 2014 (display of notice and construction of the premises). However, the Licensing Manager confirmed that all appropriate requirements had been satisfied by the applicant

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

The applicant (Sadiq Mohammed), together with a representative had been invited to attend the Hearing and in that respect the applicant and his representatives (Gill Sherratt and Rebecca Feeney - Licensing Matters) were in attendance. The proposed Designated Premises Supervisor (Amir Khan) was also in attendance. The objectors had also been invited to the meeting and Councillor June Harrison and ten members of the public were in attendance. Councillor Tony Dobson (Barnfield Ward, Accrington) was also present and at the discretion of the Chair, was allowed to speak on the objectors’ representations in his capacity as their elected representative in order to facilitate the consideration of the application and objections but without prejudicing the applicant. Councillor Joyce Plummer (Peel Ward, Accrington) was in attendance in an observer capacity only).

The applicant had withdrawn the application for the playing of music and had confirmed that the application related solely to the supply of alcohol of the premises.

The Sub-Committee considered the application, as amended, and representations made by the applicant, the applicant’s representatives, the objectors and Councillor Tony Dobson and prior to a formal decision being made, sought legal advice thereon.

Decision of the Sub-Committee:-

Resolved - **That in accordance with Section 18 of the Licensing Act 2003, the application for a new premises licence in respect of Top Shop, 29 Limefield Street, Accrington be refused for the reasons outlined at the meeting and set out in the decision notice.**

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed.