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

Friday, 15th May 2015

Present: Councillors Joyce Plummer (in the Chair); Councillors Chris Fisher and Paul Thompson

554 Apologies for Absence

There were no apologies for absence.

555 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

556 Minutes of Meetings

The Minutes of two meetings of the Licensing Sub-Committee held on 19th March 2015 were submitted for approval as correct records.

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

557 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 C to the undermentioned application.

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

**558 Licensing Act 2003 Determination Hearing
Clifton Indian Restaurant, 55-59 Blackburn Road, Accrington, BB5 1JJ**

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, which included the sale of alcohol, in respect of the Clifton Indian Restaurant, 55-59 Blackburn Road, Accrington and submitted a report relating thereto. The application and proposed operating schedule was illustrated in full at Appendix A to the report. The Licensing Manager submitted copies of email correspondence relating to the transfer of the premises licence to the applicant by the previous owners of the premises and the selling of alcohol without authorisation by the applicant (circulated at the meeting). The applicant had admitted to the supply of alcohol at the premises without the requisite licence and, as a consequence, had accepted a caution for that offence by the Police.

Two representations had been received from the Responsible Authorities (Lancashire Constabulary and the Licensing Authority) and both had been deemed to be valid as they related to the licensing objective 'the prevention of crime and disorder'. Those representations were illustrated in full at Appendix B to the report. No representations had been received from members of the public or other interested parties.

A copy of the Licensing Authority's 'Conduct of Hearings Procedures' was attached as Appendix C to the report.

The applicant (Usman Ali), together with a representative had been invited to attend the Hearing and in that respect, the applicant was in attendance. The Objectors had also been invited to the meeting and Police Sergeant Jason Middleton (Lancashire Constabulary) and Derek Hamill (Licensing Enforcement Officer, Hyndburn Borough Council) were in attendance.

The Sub-Committee considered the application and representations made by the applicant 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 18 of the Licensing Act 2003, the application for a new premises licence, which included the sale of alcohol, in respect of the Clifton Indian Restaurant, 55-59 Blackburn Road, Accrington be rejected 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.