
LICENSING SUB COMMITTEE

Monday, 13th January, 2020

Present: Councillor , Councillors Jean Battle MBE, Stephen Button and Stewart Eaves

Apologies

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

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

145 Minutes of the Last Meeting

The Minutes of the last meeting held on 15th October, 2019 were submitted for approval.

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

146 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.**

147 Licensing Act 2003 Determination Hearing - The Walmsley Arm, 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 (Mrs. Redfern) advised the Licensing Sub-Committee of the details of an application that had been received for a variation of a Premises Licence and a determination required under Section 35 of the Licensing Act 2003.

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

The Licensing Manager advised the Sub-Committee that Star Pubs and Bars Limited, the Premises Licence Holder, had made an application to this Licensing Authority for the variation of a Premises Licence for The Walmsley Arms which is situated at 26 Queens Street, Great Harwood.

The application was to vary the premise licence to:-

Amend the licensing hours for the sale of alcohol, recorded music and late night refreshment to 0100 daily, and the closing hours to 0130 daily.

To remove the condition attached to the licence relating to door supervisors.

To remove the condition from the licence relating to last entry to the premises.

To amend the opening hours to 0800 daily, for the provision of the non-licensable activities e.g. sale of tea/coffee/breakfast.

During the 28 day mandatory consultation period four valid representations were received. Three of the representations were from local residents and one representation was from the Hyndburn Borough Council Environmental Protection Officer in his capacity as responsible authority. The representations were illustrated in full at **Appendix C** of the report.

The issues raised by the representations relate to the following licensing objective –

- The prevention of public nuisance

The premise owner, Star Pubs & Bars Ltd., was represented at the meeting by Lorna Willoughby, Business Development Manager and their Solicitor, Karen Cochrane. The applicant reported that they were applying to reduce the licensing hours Thursday to Sunday. The applicants offered an amendment to the application submitted and said that they would retain the same hours as currently licensed for Monday to Wednesday and pointed out that there was now no application to extend licensing hours for licensable activities. She also said that they were applying to remove the requirement for security staff. She explained that it was the aim of Star Pubs & Bars Ltd. to attract a suitable tenant by putting in place a licence that would appeal to the right person.

The Sub-Committee gave consideration to the objections submitted to the application and heard evidence from those representatives present at the meeting. Concern was expressed about the previous history of the premises and the possibility of the return of these problems (noise nuisance and rowdy behaviour) if the condition relating to door supervisors was removed. The Sub-Committee heard that there was concern that, previously, Star Pubs & Bars Ltd. had not taken enough care to ensure that suitably experienced landlords had tenanted the premises, provided enough support or training to the landlords or monitored the premises at busy times. Representatives requested that consideration was given to their concerns.

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

- **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 and the objectors, the application for variation of a Premises Licence was determined and approved as follows:**
 - i) **That opening hours for the sale of alcohol, for recorded music and for late night refreshment on Thursday to Sunday be reduced to 1 am closures;**
 - ii) **The hours that licensable activities can take place on a Monday to Wednesday shall not be amended and shall remain the same as on the current licence.**

- iii) That security staff continue to be employed by the premises from 11 pm Friday and Saturday; and
- iv) That opening hours for the premises to be changed to 8 am on each day for the sale of non-licensable activities.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed