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# LICENSING SUB COMMITTEE

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**Wednesday, 25th August, 2021**

**Present:** Councillor Melissa Fisher (in the Chair), Councillors Steven Smithson and Joyce Plummer

**Apologies** June Harrison

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**207 Apologies for absence, Substitutions, Declarations of Interest and Dispensations**

Apologies were submitted on behalf of Councillor June Harrison and Councillor Joyce Plummer acted as substitute representative on behalf of Councillor Harrison.

**208 Minutes of the Last Meeting**

The Minutes of the last meeting held on 13<sup>th</sup> January 2020 were submitted for approval as a correct record.

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

**209 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.**

**210 Licensing Act 2003 Determination Hearing - Money Savers, Clayton Le Moors**

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 to review a premise licence pursuant to Section 51 of the Licensing Act 2003 ('the Act').

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 Lancashire County Council, Trading Standards, a responsible authority, had made an application to review the premise licence of Money Savers, 115-117 Whalley Road, Clayton le Moors. The premises benefited from the licensable activity of supplying alcohol for consumption off the premises - Monday to Sunday 0800 – 2300. It was alleged that alcohol had been sold from the premises to children under the age of 18, in addition to other breaches of the licensing conditions. The Committee was also made aware of the continual reluctance of the premise owner to comply with the requirements of the Check 25 packs provided by the Trading Standards Service. A representative from Lancashire County Council Trading Standards was present at the meeting to comment on the application and to respond to questions from the Committee.

A copy of the current licence was attached as appendix 1 of the agenda and a copy of the review application with a statement from the Council's Licensing Enforcement Officer was attached as appendix 2. The Council's Licensing Enforcement Officer was present at the meeting to comment on his statement.

During the consultation period a representation had been received from Lancashire Constabulary and was attached as appendix 3 to the agenda. A representative of Lancashire Constabulary was present at the meeting to comment on their representation.

The premises licence holder of Money Savers and his wife and daughter were present at the meeting to submit their comments on the application and to respond to questions of the Committee. Councillor Dad was also present at the meeting to act as interpreter for the premises licence holder. The Designated Premises Supervisor was not in attendance at the meeting.

The Sub-Committee considered the application and representations from all parties and took into account the statutory guidance pursuant to Section 52(2) and (3) of the Licensing Act which states that the Licensing Authority must hold a hearing to consider the application and any relevant representations and that it must take such steps mentioned in Section 52(4) (if any) as it considers necessary for the promotion of the licensing objectives.

The applicant was made aware of his right of appeal to Lancashire Magistrates' Court.

**Resolved**

- **That, having taken into account Section 52(4) of the Licensing Act 2003 and after considering the representations made by Lancashire Trading Standards, Lancashire Constabulary and the premises licence holder, and on balance of probability of the differing accounts given, the Licensing Sub-Committee determined that the conditions of licence had been breached. This had been due to alcohol having been sold under the age of restriction for a considerable length of time and that there had been a failure to comply with the condition of licence for CCTV images to be retained for 14 days. It was determined that there had been a serious failure to meet licensing objectives relevant to the prevention of crime and disorder and public safety, consequently, the Licensing Sub-Committee determined that the premise holder's licence for the sale of alcohol be revoked pursuant to any appeal to the Magistrates Court within 21 days.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed