
LICENSING SUB COMMITTEE

Thursday, 18th July, 2024

Present: Councillor Melissa Fisher (in the Chair), Councillors Heather Anderson and Dave Parkins

Apologies Edward Blake and Kath Pratt

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

Apologies for absence were received for Councillors Edward Blake and Kath Pratt.

Councillor Melissa Fisher substituted for Councillor Edward Blake and took the Chair.

Councillor Dave Parkins substituted for Councillor Kath Pratt.

There were no interests or dispensations declared at the meeting.

82 Minutes of the Last Meeting - 20th November 2023

The Minutes of the Last Meeting of the Licensing Sub-Committee, held on 20th November 2024, were submitted for approval as a correct record.

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

83 Licensing Act 2003 Determination Hearing - Dog & Partridge, Back Lane, Baxenden

In accordance with the Hyndburn Borough Council policy on the Conduct of Hearings (attached as appendix D) and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager, Mrs Redfern, advised the Licensing Sub-Committee of the details of an application for a variation of a Premises Licence relating to the Dog & Partridge, Back Lane, Baxenden, following the submission of an application under Section 34 of the Licensing Act 2003. A copy of the application and plan were attached as appendix A to the report.

The Licensing Manager reported that the applicant and representative had been invited to the meeting and although neither were in attendance, the Committee decided to proceed in their absence.

The Licensing Manager provided the Committee with details of the application to vary the premise licence, as set out in the report (appendix A), and also referred the Committee to appendix B – the current licence. The Police and the applicant of the Dog & Partridge had an agreement in place for the outside bar to close at 10pm.

The 28 days mandatory consultation had resulted in two objections, one of which was withdrawn. Details of the objection are shown in appendix C of the report. The objections referred to the following licensing objectives: The prevention of public nuisance, protection of children from harm and prevention of Crime and Disorder. In respect of the objections the Committee was informed that there had been a submission from a Legal Advisor for the applicant which addressed concerns raised by the objector. This was read out to the Committee. This included submissions that the outside bar would provide greater space to

accommodate customer capacity and relieve congestion at the bar, there had been no objections from responsible bodies and there would be two members of staff constantly present in the beer garden to manage the outside area, one in a fixed position behind the outside bar, and a second floating in the beer garden for glass collection and to deal with any issues.

The Licensing Manager advised the Committee on the steps that they could take after considering the application, as set out in 5.2 of the report.

The Sub-Committee in considering the application, had regard to its own Licensing Policy, as well as the statutory guidance and the facts provided at the meeting.

Resolved **- That, in accordance with Section 35 of the Licensing Act 2003, the application to vary the premises licence was approved subject to the amendment that the sale of alcohol stopped at 10 pm at the bar in the beer garden.**

84 Giewont Polish Shop, 192 Blackburn Road, Accrington

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 to review a Premises Licence relating to Giewont Polish Shop, 192 Blackburn Road, Accrington, following the submission of an application under Section 51 of the Licensing Act 2003 by a responsible authority namely Lancashire Trading Standards.

Representatives from Lancashire Trading Standards and the premise licence and two other supportive representatives were in attendance at the meeting.

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

The Licensing Manager provided the Committee with details of the premises' current licence which included permission to sell alcohol for consumption off the premises between 0900 to 2200 hours Monday to Sunday. A copy of the current licence was attached as appendix A to the agenda. On 31st May 2024 an application for the review of the premises licence pursuant to Section 51 of the Licensing Act 2003 was received from Lancashire Trading Standards. The grounds for the review related to the licensing objective, the prevention of crime and disorder. A copy of the review application was attached as appendix B to the agenda. The applicant alleged that illegal vapes and tobacco had been sold at the premises as well as other breaches of the licensing conditions, including the sale and storage of smuggled tobacco and vapes. A number of supportive documents referred to as JM1, JM2, JM3, JM4, JM5, JM6 and JM7 in the report were circulated at the meeting, as part of the review application. In addition, the applicant informed the Committee that Trading Standards had made numerous attempts to work with the premise licence holder to resolve the issues outlined above.

In respect of the application for the review of the premises licence, responsible Authorities and other persons were invited to make representations but none were received.

The Premises Licence Holder was provided with an opportunity to respond to the application to review and to allegations made at the meeting. As part of their submission a document titled 'Statement of Truth' was circulated. Appended to the document was a copy of a Subcontract Agreement for Shop Rental.

The Licensing Manager advised the Committee on the steps that they could take after considering the application, as set out in 5.2 of the report.

The Sub-Committee, in considering the application, had regard to its own Licensing Policy, as well as the statutory guidance and took into account representations made by Lancashire County Council, Trading Standards and the Premises Licence Holder.

Resolved

- That, the Premise Licence be revoked. The Committee felt that the evidence submitted at the meeting by Lancashire County Council, Trading Standards, had been compelling and this had given significant weight to the making of the decision. They noted that Trading Standards had tried to work with the Premise Licence Holder on numerous occasions but despite this, it had been found that the premises had still been selling and storing illegal tobacco and vapes in significant quantities and on more than one occasion. This was compounded by the fact that the premises had also tried to conceal evidence of illegal storage. The Licence Holder's previous history and evidence that the premises had taken part in significant and deliberate criminal activity contributed to determining a decision. Consideration was also given to the Licence Holder's representations, however, the Committee considered that this was poor and insignificant and, therefore, it gave little weight to the determination of the decision. In addition to these representations the Committee also used the Council's Licensing Policy and the Home Office guidance to form a decision. The Premise Licence Holder was informed of his right to appeal.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed