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# LICENSING SUB COMMITTEE

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**Thursday, 31st October, 2024**

**Present:** Councillor Clare Yates (in the Chair), Councillors Heather Anderson and Danny Cassidy

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

There were no apologies for absence.

There were no interests or dispensations declared in the meeting.

**218 Minutes of the Last Meeting**

The Minutes of the Last Meeting of the Licencing Sub-Committee, held on the 18<sup>th</sup> of July 2024 were submitted for approval as a correct record.

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

**219 Licensing Act 2003 Determination Hearing - Rios, 8 Barnes Square, Clayton Le Moors**

The Licensing Manager, Mrs W Redfern, Licensing Enforcement Officer, Mr D Stamp and the Applicant, Mr S Mehmood, were in attendance at the meeting.

In accordance with the Hyndburn Borough Council policy on the Conduct of Hearings and the Licensing Act 2003 ( Hearings) Regulations 2005, the Licensing Manager advised the Licensing Sub-Committee of the details of an application for the grant of a Premises Licence submitted under Section 17 of the Licensing Act 2003 (The Act) and a determination required under Section 18 of 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 provided the Committee with details of the Applicant's request for the provision of late night refreshment from 2300 hours to 0300 hours Monday to Sunday. Mrs Redfern clarified that a late night refreshment licence was only required after 2300. The proposed new opening hours were 1500 hours to 0330 hours Monday to Sunday.

A copy of the application was set out in the report at Appendix 1.

It had been determined that this was a valid application for the grant of Premises Licence and all notices had been properly displayed. Responsible Authorities and other persons had been invited to make representations. One valid representation had been received from the Hyndburn Borough Council's Planning Officers in their role as responsible authority.

The representation, based upon a planning condition around opening hours, was illustrated in full at Appendix 2 of the report and raised issues in relation to the Licencing Objective: *Prevention of Public Nuisance*. No representative of the planning authority was present at

the Sub-Committee Meeting. The Licensing Manager reported that the Applicant had indicated that he intended to apply to vary the planning consent.

The Licensing Manager reminded the Sub-Committee of their duties and powers under the Licensing Act 2003, including the steps that they could take to promote the Licensing Objectives, and the relevant sections of the Council's Statement of Licensing Policy, particularly with regard to opening hours and prevention of public nuisance, as set out in paragraphs 5.1 - 5.4 of the report.

The Applicant was provided with an opportunity to present his application. The Applicant informed the Sub-Committee that, as other surrounding businesses had longer opening hours, he was losing out on possible business due to the time constraints placed on his business. The Applicant referred to two other businesses in the area which had later opening hours and which were also close to residential properties. He also highlighted that his existing customer base would like to see his business remain open until a similar time.

The applicant highlighted that the later opening times would primarily be used for weekend and bank holiday trading, rather than the entire week.

Councillor Heather Anderson queried if there were any nearby bins to the property or if the Applicant provided one outside his business to try to prevent littering. The Applicant clarified that there was a municipal waste bin in Barnes Square and that he regularly swept and cleared waste from the pavement in front of his premises and would be happy to continue to do so.

Councillors Danny Cassidy and Clare Yates queried the likely volume of traffic from takeaway delivery vehicles and the potential for noise nuisance. The Applicant confirmed that he operated a delivery service at the weekends using a driver and small car, which should not cause a disturbance. He added that the level of late night delivery trade was difficult to predict.

The Sub-Committee, in considering the application, had regard to the authority's Licensing Policy, as well as the statutory guidance and took into account representations made by the planning authority and the Applicant.

**Resolved – That, in accordance with Section 18 of the Licensing Act 2003, the application for the grant of a premises licence submitted under Section 17 of the Act be approved, subject to the following condition:**

- **That the licence holder should reasonably ensure that the area of pavement and highway in front of and in the immediate vicinity of the licensed premises, is kept free from litter arising from the business concerned, by carrying out routine inspections and regular clearing and disposal of any discarded waste food or packaging.**

**In reaching this decision, the Sub-Committee has had regard to the written representation submitted by the planning authority and the fact that no further explanation of the possible negative impact on residential amenity was provided, in person, at the meeting; and the fact that no representations were made by members of the public, particularly nearby residents, or the Council's Environmental Health Team, who have responsibility for public nuisance.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed