
LICENSING SUB COMMITTEE

Thursday, 28th November, 2024

Present: Councillor Clare Yates (in the Chair), Councillors Danny Cassidy and Eaves

Apologies Councillor Heather Anderson

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

Apologies for absence were received for Councillor Heather Anderson.

Councillor Stewart Eaves substituted for Councillor Anderson.

There were no declarations of interest or dispensations declared at the meeting.

240 Minutes of the Last Meeting

The Minutes of the Last Meeting of the Licensing Sub Committee, held on 31st October 2024, were submitted for approval as a correct record.

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

241 Licensing Hearing Procedure

242 Licensing Act 2003 Determination Hearing - Sasda 24/7, 52 Whalley 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 Sasda 24/7, Whalley Road, Accrington, following the submission of an application under Section 51 of the Licensing Act 2003 by a responsible authority namely Lancashire Constabulary.

A representative from Lancashire Constabulary PC Phil Needham was in attendance at the meeting.

The premises licence holder had been invited to attend the hearing to make representations however he was not present. The licensing manager advised members that as soon as the application to review the premises licence had been served on the premises licence holder, all stock had been cleared from the premises and it had been closed. There had been no contact from the premises licence holder in spite of the Notice of Hearing being served on him. Members determined that the hearing should go ahead in his absence.

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 24 hours

Monday to Sunday. A copy of the current licence was attached as appendix 1 to the agenda.

On 10th October 2024 an application for the review of the premises licence pursuant to Section 51 of the Licensing Act 2003 was received from Lancashire Constabulary. The grounds for the review related to the following licensing objectives;

The prevention of crime and disorder.
The protection of children from harm
The prevention of public nuisance

A copy of the review application was attached as appendix 2 to the agenda. The police provided further supporting restricted information at the hearing.

Due to the nature of the exempt information the licence manager requested that the rest of the hearing could be heard in private. The chair proposed that the press and public should be excluded and members voted unanimously in favour of the proposition.

- **Exclusion of the Public**

Resolved

- **That, in accordance with Section 100A(4) Local Government Act 1972, the public were excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act, specified at the item.**

PC Phil Needham outlined the supplementary information that was provided at the hearing to the committee members.

The premises licence holder had been invited to attend the hearing to make representations however he was not present. The licensing manager advised members that as soon as the application to review the premises licence had been served on the premises licence holder, all stock had been cleared from the premises and it had been closed. There had been no contact from the premises licence holder in spite of the Notice of hearing being served on him. Members determined that the hearing should go ahead in his absence.

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 PC Needham on behalf of the Lancashire Constabulary

Decision

In accordance with Section 52 of the Licensing Act 2003, and after considering the representations made by the Applicant and the Responsible Authority, Licensing Sub-Committee resolved:

That the premises licence relating to Sasda 24/7 should be revoked.

The committee considered all of the evidence presented to them from PC Needham and were greatly concerned about the incidents referred to.

The committee had grave concerns about Mr Thevathus being in control of a licensed premises and they considered that he posed a risk. Given all of the evidence presented to them, the committee felt that Mr Thevathus is not capable of upholding the licensing objectives.

Taking everything the committee was presented with into consideration, and looking at the relevant legislation and home office guidance, the committee resolved to revoke the premise licence. In accordance with Section 52 of the Licensing Act 2003.

The premises licence holder will be notified of his right to appeal in the decision notice.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed