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## LICENSING SUB COMMITTEE

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**Monday, 6th March, 2017**

**Present:** Councillor Melissa Fisher (in the Chair), Councillors Stewart Eaves and Paul Thompson

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**401 Apologies for Absence**

There were no apologies for absence.

**402 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**403 Minutes of the Last Meeting**

The Minutes of the meeting of the Licensing Sub-Committee held on 28<sup>th</sup> September 2016 were submitted for approval as a correct record.

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

**404 Licensing Hearing Procedure**

The Licensing Sub-Committee was advised of the Council's Conduct of Hearings Procedure which was to be used in relation to hearings required under the Licensing Act 2003.

**Resolved** - **That the Procedure be received and noted.**

**405 Licensing Act 2003 Determination Hearing - The Walmsley Arms, 26 Queen Street, 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. Wendy Peck) advised the Licensing Sub-Committee of an application from a resident for a review of the premises licence in respect of The Walmsley Arms, 26 Queen Street, Great Harwood.

It was considered that the application for review was a valid application in relation to the Licensing Objectives 'Prevention of Crime and Disorder', 'Prevention of Crime and Disorder' and 'Public Safety'. The Licensing Manager submitted a report relating to the application which included the following Appendices:-

Appendix 1 - Current Licence

Appendix 1a - Street Map Location

Appendix 2 - Review Application

Appendix 3 - Planning Email to Licensing Section dated 10<sup>th</sup> January 2014

Appendix 4 - Proposed Conditions of Licence agreed with Police

Appendix 4a - Letter to Mr. Yeoman dated 25<sup>th</sup> January 2017  
Appendices 5 and 6 - Noise Abatement Notices  
Appendix 6a - Email from Mr. Yeoman's Solicitor dated 1<sup>st</sup> February 2017  
Appendices 7, 8 and 9 - Letters of Support for Existing Premises Licence  
Appendix 10 - Facebook Excerpts  
Appendix 10a - Letter from Fire and Rescue Services dated 30<sup>th</sup> January 2017  
Appendices 11, 12 and 13 - Representations from Three Residents  
Appendices 14 and 15 - Representations from the Council's Health Protection,  
Regeneration and Housing Division and the Lancashire  
Constabulary

Representations had been received in support of the application to review from three Responsible Authorities (Lancashire Fire and Rescue Service, Lancashire Constabulary and Hyndburn Borough Council) and from two other persons (Mr. Gary Culshaw and Mr. Robinson).

The Premises Licence Holder, together with his representatives had been invited to attend the Hearing and in that respect, Mr. John Yeoman (Licence Holder), Ms. Karen Cochrane (Solicitor) and Ms. Lorna Willoughby (Business Development Manager, Star Pubs and Bars Ltd) were in attendance. Additional information in the form of a cd showing activity on the premises on 30<sup>th</sup> December 2016 and 1<sup>st</sup> January 2017 was submitted by Mr. Yeoman's Solicitor.

The resident who had applied for the review, together with her representative, had been invited to attend the Hearing and in that respect, Ms. Christine Roberts was in attendance.

The following representatives were present at the Hearing and at the request of the Chair of the Licensing Committee gave verbal evidence in support of the application for review:-

Police Sergeant Jason Middleton (Lancashire Constabulary)  
Mr. Paul Thwaites (Environmental Services, Hyndburn Borough Council)  
Mr. Mark Glover (Planning Enforcement, Hyndburn Borough Council)  
Mr. Derek Hamill (Licensing Enforcement Officer, Hyndburn Borough Council)

The Licensing Sub-Committee considered the application for review and the representations received in writing and verbally made at the meeting, and prior to a formal decision being made, sought legal advice thereon.

#### **Decision of the Licensing Sub-Committee:-**

##### **Resolved**

**- That in accordance with Section 52 of the Licensing Act 2003 and having considered the representations made by the Applicant, the Responsible Authorities, Other Persons, the Premises Licence Holder and his Solicitor:-**

**(a) The hours permitting the playing of live music and recorded music indoors be amended to:**

**Sunday to Thursday 10.00 hours to 00.00 hours  
Friday and Saturday from 10.00 hours to 02.00 hours;**

**(b) In order to prevent noise caused by patrons, particularly those congregating at the Queen Street entrance to the premises, a new condition be imposed**

on the premises “No customer shall be permitted to leave the premises (for the purpose of this condition the beer garden is included within the description of the premises) whilst in possession of a drinking vessel, open bottle or other container used for the purpose of consuming alcohol”;

(c) In order to ensure the above condition is enforced and to avoid disturbance erupting on the premises, a new condition be imposed on the premises “When the premises are open for the purpose of carrying out licensable activities after 21.00 hours on a Friday or Saturday there must be at least two SIA registered door supervisors on duty from 21.00 hours until the close of business. The door supervisors should carry out regular checks of the perimeter of the premises

A record shall be kept on the premises by the DPS of every person employed on the premises as a door supervisor. The record shall contain the following details:

- (i) Name and Address
- (ii) Date of Birth
- (iii) His/Her Security Industry Authority Licence Number
- (iv) The Date and Time He/She Starts and Finishes Duty
- (v) Each Entry to be Signed by the Door Supervisor

The record shall be kept available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable”;

(d) The current condition requiring the DPS to carry out a risk assessment to determine whether door staff are required be amended by the removal of the words “if any” from that condition;

(e) The hours during which licensable activities can be provided on the premises be amended as follows:

**Late Night Refreshment, Monday to Sunday 23.00 hours to 01.00 hours**

**Supply of Alcohol for Consumption On and Off the Premises, Monday to Sunday 10.00 hours to 02.00 hours**

**Use of Beer Garden, Monday to Sunday 10.00 hours to 23.00 hours**

**Hours the Premises is Open to the Public, Monday to Sunday 10.00 hours to 02.30 hours; and,**

**(f) That in view of concerns over the capability of the DPS and in accordance with Section 52(4)(c) of the Licensing Act 2003, Mr. John Yeoman be removed as the DPS.**

**The reasons for the decision were outlined at the meeting and set out in the decision notice.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed