

Subject:	Determination of Application for the Review of a Premises Licence - Mimi's, 7 Bacup Road, Rawtenstall, BB4 7NG	Status:	For Publication
Report to:	Licensing Committee	Date:	Monday 10 th July 2017
Report of:	Licensing Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required: No	Attached:	No
Biodiversity Impact Assessment	Required: No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	To advise members of an application for the review of the premises licence pursuant to Section 51 of the Licensing Act 2003.
1.2	To request that members determine the application in accordance with the provisions of Section 52 of the Licensing Act 2003.

2. LICENSING OBJECTIVES

2.1. Members are reminded of the licensing objectives as follows:

- a. The prevention of crime and disorder
- b. Public Safety
- c. The prevention of public nuisance
- d. The protection of children from harm

2.2 Members are reminded that the duty of the licensing authority is to take steps which promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

3. BACKGROUND

3.1 The premises know as Mimi's has been licensed as a takeaway since its conversion from the old Act in 2005. The premises is in a row of terraces of other businesses sited on a main road. To the rear of the premises is a small yard which backs onto a row of residential properties.

3.2 The premises licence was granted on 20th October 2005 to Mr Hassan Waqqar Malik who has remained the licence holder since then.

3.3 The current premises licence is appended at **Appendix A**. This licence authorises the provision of late night refreshment between the following:

- Monday and Tuesday 2300hrs and 0230hrs
- Wednesday 2300hrs and 0330hrs
- Thursday to Sunday 2300hrs and 0500hrs

3.4 A number of conditions were imposed on the licence by virtue of being consistent with the operating schedule. These are:

- A CCTV system shall be installed on the premises to monitor both internally and externally.
- Customers will be requested to dispose of their litter in an appropriate manner.
- Fire extinguishers and fire blankets shall be kept in the premises.

4. THE APPLICATION

4.1. The Licensing Authority, acting in its capacity as a responsible authority, served an application for a review of the premises licence which was received on 16th May 2017. A copy of this application is appended at **Appendix B**.

4.2 The application is based on the prevention of crime and disorder objective following a visit on 29th March 2017 where a person was arrested in relation to Immigration Offences. The licence holder was also arrested and de-arrested on the same evening for obstruction.

5. REPRESENTATIONS

5.1 Since the receipt of the application, statutory notices have been displayed for a period of 28 days in accordance with the requirements of the Licensing Act 2003.

5.2 On 19th May 2017, the Chief Officer of Police of Lancashire Constabulary, acting as a responsible authority, submitted representation in respect of this application. The detail of this representation also relates to the crime and disorder objective and a copy is appended as **Appendix C**.

5.3 On 31st May 2017, Daniel Benson, acting in the capacity as an Interested Party as the general manager of Qube Nightclub submitted representation in respect of this application. This representation is in support of Mimi's and is appended at **Appendix D**.

6. POLICY CONSIDERATIONS

The hearing should be guided by the Statement of Licensing Policy of Rossendale Borough Council, and any relevant provisions of national guidance. Reasons should be given from any departure.

7. CONCLUSION

7.1 | The decision should be based on the individual merits of the application. In accordance with Regulation 26(2) of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.

7.2 In accordance with Section 52(3) the authority must, having regard to the representations made, take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are to:

- a) modify the conditions of the licence;
- b) exclude a licensable activity from the scope of the licence;

- c) suspend the licence for a period not exceeding three months;
- d) revoke the licence.

7.3 Where the authority takes a step mentioned in subsection a) or b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

7.4 If the Authority does not consider the steps above appropriate, it must take no further action against the licence.

Background Papers	
Document	Place of Inspection
Policy	Licensing and Enforcement Unit www.rossendale.gov.uk

Appendices	
Document	Appendix Number
Current Premises Licence	Appendix A
Application for the Review of a Premises Licence	Appendix B
Police Representation	Appendix C
Representation from Daniel Benson (Interested Party)	Appendix D