

**MINUTES OF: LICENSING SUB-COMMITTEE
HEARING UNDER THE LICENSING ACT 2003**

DATE OF MEETING: 10th July 2017

PRESENT: Councillors Smith (Chair), Haworth and Johnson

**IN ATTENDANCE: Mrs A Wrench, Legal Advisor
Mr P Morton, Licensing Manager
Mr N Howson, Licensing Enforcement Officer
Miss G Ashton, Hearing Administrator
Miss S Chadwick, Applicant for the Responsible Authority
Sergeant J Middleton, Lancashire Police, Responsible Authority
Mr J Clucas, Lancashire Police, Responsible Authority
Mr H Malik, Licence Holder
Ms G Sherratt, Licensing Matters, Licence Holder's Representative**

1. APPOINTMENT OF CHAIR

Moved by Councillor Haworth and seconded by Councillor Johnson.

Resolved:

That Councillor Smith be appointed Chair of the meeting.

Councillor Smith in the Chair.

2. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

3. CHAIRMAN'S INTRODUCTION

The Chair welcomed all parties to the meeting and asked the members of the Sub-Committee and Council Officers to introduce themselves.

The Chair asked the Applicant, the Licence Holder, the Licence Holder's representative and the Responsible Authority representatives to introduce themselves.

4. DECLARATIONS OF INTEREST

No declarations were made.

**5. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
AT: MIMI'S, 7 BACUP ROAD, RAWTENSTALL, BB4 7NG**

5.1 The Licence Holder attended the Hearing with regard to an application by the Responsible Authority to review the premises licence for Mimi's takeaway, 7 Bacup Road, Rawtenstall, BB4 7NG.

- 5.2 The Legal Advisor outlined the legal issues surrounding the hearing.
- 5.3 All parties consented to a public hearing.
- 5.4 The Licensing Enforcement Officer presented his report.
- 5.5 The Hearing procedure was followed.
- 5.6 The Applicant presented her case.
- 5.7 The Licence Holder's Representative asked questions of the Applicant.
- 5.8 The Applicant provided clarification.
- 5.9 Sergeant Middleton from the Responsible Authority spoke in support of the application.
- 5.10 The Licence Holder's Representative asked questions of Sergeant Middleton.
- 5.11 Sergeant Middleton provided clarification.
- 5.12 The Licence Holder's Representative presented her case.
- 5.13 Members asked questions of the Licence Holder's Representative and the Applicant.
- 5.14 Both parties provided clarification.
- 5.15 The Applicant made her final statement as to why the premises licence should be reviewed.
- 5.16 The Licence Holder's Representative made her final statement.
- 5.17 The Licence Holder, his Representative, the Applicant, Responsible Authority representatives and the Licensing Officers left the room whilst the committee deliberated.
- 5.18 The Licence Holder, his Representative, the Applicant, Responsible Authority representatives and the Licensing Officers returned to the meeting for the announcement of the decision.

6. DECISION

- 6.1 After giving consideration to all the written and verbal representations made by the Applicant, Licence Holder's Representative and the Responsible Authority and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action on the application under Section 18 of the 2003 Act.

Resolved:

No further action be taken at this stage subject to the inclusion of the condition offered by the Licence Holder. The Sub-Committee took into account the representations from the Licence Holder's Representative. Should any

information found to be untruthful or new evidence produced then the Licence Holder would be brought back before the Sub-Committee.

A determination notice would be served on all parties in due course.

There was a right of appeal for all parties before the Magistrates' Court which must be exercised within 21 days on receipt of the Decision Notice.

The meeting commenced at 2.00pm and finished at 4.30pm