



# BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

## REMOTE MEETING

Monday, 21st June, 2021 at 10am

### PRESENT

### MEMBERS

Councillors I Emo, A Kelly (4<sup>th</sup> Member Reserve, non-voting), L Mehanna and J Sumner

### OFFICERS

Catherine Waudby	– Head of Legal and Democratic Services
Eric Dickinson	– Democracy Officer
Alison McEwan	– Democracy Officer
John Clucas	– Licensing and Compliance Officer
Paul Barlow	– Graphic Designer

### ALSO IN ATTENDANCE

Isaac Hargreaves, Director of Burnley Bargain Foods  
Gill Sherratt, Authorised Agent for Applicant, Licensing Matters  
Mr Lone-Objector

#### **26 Appointment of Chair**

That Councillor Jeff Sumner be appointed Chair for this meeting.

#### **27 Minutes of the last Meeting**

The Minutes of the previous meeting held on the 4<sup>th</sup> December 2020 were confirmed.

#### **28 Exclusion of the Public**

It was agreed that the hearing take place in public.

#### **29 Determination of a Premises Licence Application - 54 Church Street, Burnley.**

The Sub Committee considered a report to determine an application received from Burnley Bargain Foods Ltd for a new premises Licence for Bargain Foods, The Basement 54 Church Street, Burnley under the Licensing Act 2003.

Written representations against the application had been made by Mr Lone and Mr Ahmed.

The director of Burnley Bargain Foods Ltd, Isaac Hargreaves, and his Authorised Agent acting on behalf of Licensing Matters, Gill Sherratt, attended the hearing.

Mr Lone attended the hearing.

The Licensing Officer, John Clucas, presented a report on the application.

Gill Sherratt made an application to dismiss the written representations as vexatious or frivolous.

Mr Lone responded, and Members and relevant parties attending asked questions regarding this dismissal application.

Members RESOLVED to go into Private session to receive legal advice and consider the dismissal application.

#### PUBLIC DECISION AND REASON FOR DECISION

In coming to its decision, the Sub Committee took account of Guidance relating to the Licensing Act 2003. It also took into account Burnley`s Licensing Policy.

#### RESOLVED

That Members would continue with the hearing and consider and hear the objections for the following specific reasons;

- having considered Paragraph 9.9 of the 2018 Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 which recommended that the benefit of the doubt in borderline cases be given to the person making the representation

- in the interests of natural justice

- that there were potentially relevant objections relating to Public Safety and other objectives in Mr Lone`s letter and an opportunity would be given to amplify and clarify them during the hearing

- this opportunity would not extend to the objective of Protection of Children from Harm as this was not referred to in Mr Lone`s letter

Mr Lone and Gill Sherratt in turn presented their cases regarding the application for a Premises Licence, and Members and all parties present asked Questions about the Premises Licence application.

Members RESOLVED to go into Private session to receive legal advice and consider the Premises Licence application

#### PUBLIC DECISION AND REASONS FOR DECISION

In coming to its decision, the Sub Committee took account of Guidance relating to the Licensing Act 2003. The Sub Committee particularly had in mind the Licensing Objectives relating to the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance, and the Protection

of Children from Harm. It also took into account of Burnley`s Licensing Policy and the Guidance published by the Secretary of State under S182 of the Licensing Act 2003.

RESOLVED That the Premises Licence for Bargain Foods, The Basement 54 Church Street, Burnley be granted as applied for forthwith, for the following reasons;

-the Sub Committee determined that the representations made were not relevant, in particular regarding car parking It was noted that the Licensing Officer has directed the objectors to pursue these concerns in a different forum

-Mr Lone was unable to sufficiently amplify and clarify his objections to the application to demonstrate that the licensing objectives were not being met

-Mr Ahmed did not attend to amplify and clarify his objections, and there was no opportunity to question him on his representations, so they were given limited weight