



BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Friday, 21st February, 2020

PRESENT

MEMBERS

Councillors I Emo, M Lishman and J Sumner

OFFICERS

David Talbot	– Senior Solicitor
Karen Davies	– Environmental Health and Licensing Manager
John Clucas	– Licensing and Compliance Officer
Imelda Grady	– Democracy Officer
Claudia Wilcock	– Administration Officer

12 Appointment of Chair

Councillor Jeff Sumner was appointed as Chair for this meeting.

13 Minutes of the last Meeting

The Minutes of the last meeting held on 3rd January 2020 were agreed as a correct record and signed by the Chair.

14 Exclusion of the Public

It was agreed that the determination of an application to vary a Premises Licence at Lowerhouse Mills Function Room be held in public.

15 Determination of an Application to Vary a Premises Licence - Lowerhouse Pub Canteen

One objector who had indicated attendance was not present and as no explanation had been provided the Committee decided to proceed with the application in their absence.

Before consideration of the application the Council's Senior Solicitor asked the Committee to consider a preliminary issue that had been identified under Section 36 (6) (b) of the

Licensing Act 2003 which provides that a licence may not be varied under section 35 so as to vary substantially the premises to which it relates.

The Committee retired to consider this.

DECISION AND REASONS FOR DECISION

The Committee found the application was a substantial variation in the footprint of the premises and in the nature of the way it functions and the Committee did not have the power to deal with the application today. The Hearing could however deal with the second part of the application in relation to the operating hours, but affecting only the existing function room, if the applicant so wished.

Reasons for Decision

1. There would be an approximate doubling of the footprint of the area covered by the premises licence; and
2. There is a substantial difference between the operation of a members' club and a public house.

The Applicant did not wish to proceed with the application and the Chair closed the meeting.