



BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

THIS WAS A REMOTE HEARING HELD UNDER SECTION 78 OF THE CORONAVIRUS ACT 2020

BURNLEY TOWN HALL

Friday, 4th December, 2020

PRESENT

MEMBERS

Councillors H Baker, I Emo and M Lishman

OFFICERS

David Talbot	– Senior Solicitor
Imelda Grady	– Democracy Officer
Alison McEwan(host)	– Democracy Officer
John Clucas	– Licensing and Compliance Officer
Karen Davies	– Environmental Health and Licensing Manager
Paul Barlow (stream)	– Graphic Designer

ALSO IN ATTENDANCE

Pc Michael Jones – Lancashire Constabulary
Sergeant Gary Hennigan – Lancashire Constabulary
Andrew Ascroft – Lancashire County Council Public Health
Jackie Davies – Premises Licence Holder
David Lawson - Solicitor

22 Appointment of Chair

Councillor Howard Baker was appointed Chair of the meeting.

23 Minutes of the last Meeting

The Committee was advised that the minutes of the previous meeting would be considered at a future meeting.

24 Exclusion of the Public

It was resolved, in accordance with Regulation 14(2) of the Licensing Act 2003 (hearings) Regulations 2005, to exclude the public from the meeting during consideration of the next item of business as it was considered that the public interest in excluding the public from the hearing outweighed the public interest in the hearing taking place in public.

25 Determination of a (summary) Review Application

The Committee considered a report to determine a review of the premises licence at The Angel Inn, 80 Accrington Road, Burnley BB11 4AU.

The premises licence holder Jackie Davies and legal representative David Lawson were present at the meeting.

PC Michael Jones presented the case on behalf of Lancashire Constabulary.

John Clucas presented the case on behalf of the licensing authority.

Andrew Ascroft presented the case on behalf of Lancashire County Council Public Health.

David Lawson presented the case on behalf the premises licence holder.

Members and relevant parties set out above asked questions regarding the premises licence.

DECISION AND REASON FOR DECISION

1. That the licence be suspended for a period of 3 months.

2. At the time the suspension is terminated that the following conditions should be applied to the licence:
 - a. During any period in which COVID restrictions apply, both the front and rear entrances shall be supervised by members of staff in order to ensure that Track and Trace is completed accurately and that people entering the premises understand the COVID restrictions and social distancing requirements.
 - b. That CCTV is installed in the premises to ensure all rooms open to the public (apart from toilet facilities) can be monitored by a member of staff in the bar area during licensing hours.

Reasons:

1. The Police and the Licensing Authority have provided evidence of numerous breaches of COVID regulations such that it is not considered that the imposition of conditions alone would appropriately and safely uphold the licensing objectives.

2. The events are serious but at this stage the panel feels do not merit a full revocation of the licence.
3. The COVID Pandemic may still be active at the end of the period of suspension and therefore conditions are necessary to cover this eventuality.
4. Whether or not the COVID Pandemic is active the condition to ensure a comprehensive and accessible CCTV system is available will still be appropriate to enable staff to monitor activity in the premises which may impact on the licensing objectives.

Interim Steps:

The Committee have considered the interim steps and with immediate effect, and pending the determination of any appeal, the premises licence is suspended as the Committee considered this to be appropriate, necessary and proportionate to promote the licensing objectives relating to the prevention of crime and disorder, public safety and the prevention of public nuisance for the following reasons:

Police evidence linking the premises to serious crime which has taken place notwithstanding and alongside previous enforcement action, is such that it is necessary to suspend licensable activities during the period in which an appeal might be made and determined.

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