



MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE **Wednesday, 20 June 2018**

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), and Councillors Roy Lees and Sheila Long

OFFICERS: Chris Carney (Licensing Enforcement Officer), Elizabeth Walsh (Solicitor) and Nina Neisser (Democratic and Member Services Officer)

17.LAS.77 Declarations of Any Interests

No declarations of any interests were received.

17.LAS.78 Procedure

The Chair outlined the procedure to be used to conduct the meeting.

17.LAS.79 Review of Premises Licence under the Licensing Act 2003 in respect of Chesters, 234 Pall Mall, Chorley, PR7 2LH

The Director of Customer and Digital submitted a report for the Licensing Act 2003 Sub-Committee to determine the outcome of an application submitted by Lancashire Constabulary to review Chesters, 234 Pall Mall, Chorley. The Chair outlined the procedure that would be followed during the hearing.

The Licence Holder, Mr Faisal Mahroof, and/or his representative were not present at the meeting. Officers had provided the Licence Holder with the documents to be considered ten days prior to the hearing and subsequent contact had been attempted.

It was anticipated that the Immigration Enforcement/Home Office would be attending the meeting; however it was recognised that they had not been included on the Regulation 8 of the Licensing Act 2003 and therefore were unable to make their representations at the Sub-Committee. It was understood that the police also had additional relevant information that had not been submitted during the notice period and therefore not included in the report. As a result this could not be considered unless agreed by all parties. As the Licence Holder and/or their representative were not present at the meeting Members felt it was best to defer the hearing in order to allow for a fair trial. This would provide more time for a more detailed report to be submitted with all the relevant information and allow time for increased attendance.

Members felt that the receipt of this information and representation from the Licence Holder and Immigration Enforcement/Home Office at the meeting was needed in order for them to consider all the facts which would help them in their decision. The Sub Committee **RESOLVED to adjourn the hearing and it was agreed that this would**

take place after 30 July 2018 to ensure representation from the police, Immigration Enforcement/Home Office and the Licence Holder at the hearing for the following reasons:

- 1. Members gave full consideration to the need for an adjournment when it became apparent that the Immigration Enforcement/Home Office and the Licence Holder were unable to attend. Although no reasons were given by the Licence Holder for his absence, in the context of the 'public interest' is in the wider public interest to have due process upheld and for licensees not to have their business and livelihood adversely affected without being given the opportunity to be fairly heard. It was evident that the Police had new evidence which had not been shared with the Licence Holder or with Members. It was also in the public interest for human rights to be carefully observed and upheld at all times.**
- 2. Members felt that it was in the public interest to give a careful and fair hearing to applications that might be of general benefit to the public; the local nightlife and the economy or to representations that might demonstrate that the licence affects the public adversely.**
- 3. Careful consideration of the request for an adjournment was made by Members. Members considered that there may be further relevant information and information provided by Immigration Enforcement/Home Office was important to help make a decision.**

Chair

Date