

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE  
HELD ON 4<sup>TH</sup> OCTOBER, 2022  
AT NELSON TOWN HALL**

*PRESENT –*

*Councillor J. Purcell (Chairman – in the Chair)*

**Councillors:**

*F. Ahmad  
S. Ahmed  
M. Aslam  
M. Kaleem*

**Officers in attendance:**

*N. Watson                      Planning, Economic Development and Regulatory Services Manager  
E. Barker                      Litigation and Regulatory Lawyer  
L. Rowland                      Committee Administrator*

**Observers:**

*S. Walne                      Legal Assistant*

*(Apologies for absence were received from Councillors M. Hanif, D. Lord, K. McGladdery and P. McGladdery.)*



**8.    DECLARATION OF INTERESTS**

Members were reminded of the legal requirements concerning the declaration of interests.

**9.    MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 16<sup>th</sup> August, 2022 be approved as a correct record and signed by the Chairman.

**10.    THE LICENSING ACT 2003 –  
APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR  
PREMIER HILL PLACE, 12 HILL PLACE, NELSON, LANCASHIRE, BB9 0QB**

The Planning, Economic Development and Regulatory Services Manager submitted a report for Members to consider an application to vary a Premises Licence made by Mr Mohammed Ajaz Ahmed for Premier Hill Place, 12 Hill Place, Nelson.

Representations had been made by Pendle Borough Council (Licensing) under the ‘Prevention of Crime and Disorder’, ‘Public Safety’, ‘Prevention of Public Nuisance’ and Protection of Children from Harm’ licensing objectives and from Lancashire Police (Licensing) under the ‘Prevention of Crime and Disorder’ and ‘Prevention of Public Nuisance’ licensing objectives.

The Members and all relevant parties had received a copy of the report which included a copy of the application and the representations received.

The applicant Mohammed Ajaz Ahmed attended the meeting accompanied by Mohammad Saad. The hearing was also attended by Wajed Iqbal (Pendle Borough Council Licensing) who had made representations and Sgt Gary Hennighan who attended on behalf of PC Michael Jones who had also made representations.

## **RESOLVED**

That, having listened to the representations made with regard to the premises licence variation application under the Licensing Act 2003 in respect of Premier Hill Place, 12 Hill Place, Nelson, the application to vary the Premises Licence PEN9A)0377 be refused for the following reasons -

- (a) The Licensing Act 2003 gives the Licensing Authority power to make decisions about the hours during which premises can conduct licensable activities as part of its licensing policy statement. Licensing Authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities (Section 182 Guidance paragraph 10.13).
- (b) The Licensing Authority and the Police, as responsible authorities, have both objected to this variation.
- (c) The Council's Statement of Licensing Policy at paragraph 22.3 states that any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise level are much lower.
- (d) There is concern that a 24 hour licence would cause noise nuisance from cars coming and going and footfall from potential customers during the night.
- (e) There is concern that a 24 hour licence could cause youths to congregate around the shop, causing anti-social behaviour outside the shop and in the wider neighbourhood.
- (f) There is concern about issues of confrontation to passers-by, in particular early morning dog walkers.
- (g) In accordance with the Council's Statement of Licensing Policy at paragraph 22.5, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.
- (h) In accordance with the Council's Statement of Licensing Policy at paragraph 22.6, the operating schedule does not adequately demonstrate that: -
  - a. The applicant has properly considered what is appropriate for the local area when considering the hours and activities to apply for;
  - b. The potential effect on the licensing objectives is not significant;
  - c. The operating schedule shows appropriate steps to minimise any adverse impact on local residents and businesses; and
  - d. How the premises will operate in the context of other premises in the vicinity.

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- (i) In accordance with the Council's Statement of Licensing Policy at paragraph 22.7, the Council have taken into account the existing pattern of licensed premises in the area. This application is significantly out of character for the locality, as currently only supermarkets and petrol stations in Nelson have a 24 hour licence. Petrol stations' main business is the supply of fuel and noise from cars coming and going is expected. Supermarket 24 hour alcohol sales are mitigated by robust policies in relation to alcohol sales.
- (j) The applicant has not demonstrated that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals from gaining a commercial advantage.
- (k) It is considered that the variation as applied for would undermine the licensing objectives of the prevention of crime and disorder; public safety; and the prevention of public nuisance.
- (l) Consideration has been given to all the powers available to the licensing authority under section 35 of the Act and concludes that the refusal of the variation is both necessary and proportionate in the circumstances.

CHAIRMAN \_\_\_\_\_