

MOGNIES RESTAURANT & TAKEAWAY, 66 PENNY STREET, LANCASTER

APPLICATION FOR REVIEW OF THE PREMISES LICENCE

DECISION NOTICE OF LICENSING ACT SUB-COMMITTEE

TUESDAY, 4TH APRIL 2017

The Sub-Committee comprised of Councillor Claire Cozler (Chairman), Councillor June Ashworth and Councillor Stuart Bateson.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

The Chief Constable of Lancashire Constabulary, as a Responsible Authority, had submitted an application for review of a premises licence under Section 51 of the Licensing Act 2003. The application related to Mognies Restaurant & Takeaway, 66 Penny Street, Lancaster.

During the prescribed consultation period no further representations were received.

PC Andrew Taylor represented the police and was accompanied by Heather Crawshaw.

The Premises Licence Holder, Mrs Savera Siraj Patel, was present and was represented by John Halewood-Dodd of LHD Solicitors. David Collinson and Del Langdon from LHD solicitors were also present.

The Licensing Officer, David Eglin, then introduced the report.

PC Taylor then presented the applicant's case stating that, following discussions prior to the hearing with the premises licence holder, they had reached a set of agreed conditions that would satisfy the police's concerns and would, in their opinion, be appropriate as a means of upholding the licensing objectives, given the recent transfer of the premises licence.

Mr Halewood-Dodd then confirmed the premises licence holder's agreement, reiterating that the current licence holder had not been involved in any wrongdoing.

The Sub-Committee then withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

DECISION

The Sub-Committee has carefully considered all the written information before it, and the representations today.

The application relates to a review of the premises licence for Mognies Restaurant & Takeaway, 66 Penny Street, Lancaster. Since the review application was made the premises licence holder has changed from Mr Siraj Patel to his wife Mrs Savera Siraj

Patel. Mr Patel is currently in prison in relation to child sex offences.

The police initiated this review when the licence was still in Mr Patel's name due to concerns surrounding use of the premises when the offences took place.

Given the transfer of the licence and the conditions now agreed between the parties, the Sub-Committee is satisfied that they are appropriate as a means of upholding the licence objectives and will therefore be imposed on the premises licence.

The Sub-Committee is of the opinion that the conditions will ensure that Mr Patel will not be able to work at, or be involved with, the premises following his release.

The Sub-Committee welcomes the conditions now agreed prior to the hearing and feels that they are appropriate and proportionate steps in the circumstances. The Sub-Committee accepts that Mrs Patel was not involved with any wrongdoing at the premises.

The conditions on the premises licence will therefore be amended as attached to this decision.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision within 21 days from receiving this written decision.

Signed.....Dated.....

Councillor Claire Cozler (Chairman)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone: (01524) 582068 or email
jglenton@lancaster.gov.uk**