

At a meeting of the Licensing Panel held in Council Chamber - Allerdale House, Workington on Monday 10 September 2018 at 1.00 pm

Members

Councillor Tony Annison (Chair)
Councillor Mary Bainbridge

Councillor Billy Miskelly

Staff Present

D Fletcher, J Morgan and G Roach

153. Election of Chair

Councillor T Annison was elected Chair for the ensuing meeting.

154. Declaration of Interests

None declared.

155. Questions

None received.

156. To consider an objection notice received in relation to an application to transfer a premises licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider an objection notice in relation to an application to transfer a premises licence PL0675. The objection had been made under section 42 of the Licensing Act 2003.

The objection notice had been issued by Cumbria Constabulary, based on the crime and disorder objective, provided in Appendix A of the report. Cumbria Constabulary provided further information to the Panel at the start of the meeting.

On 12 June 2018 an application to transfer the premises licence was submitted under section 50 of the Licensing Act 2003.

The applicant did not attend the meeting due to ill health however the applicant's representative was present. One character reference was provided to the Panel at the start of the meeting.

A representative of Cumbria Constabulary was present.

The Licensing and Compliance Officer read through the report.

The Panel was presented with the options available to it, permitted under section 50 of the Licensing Act 2003:

- a) To reject the application if it was considered necessary for the promotion of the crime prevention objective;
- b) To transfer the premises licence in accordance with the application.

All parties were offered the opportunity to read the information at the meeting.

The representative of Cumbria Constabulary was asked to make representation on the application. Members asked questions around the six crimes recorded against the applicant as provided in Appendix A of the report.

The applicant's representative was asked to make their representations on the application following which members asked their questions.

All parties were asked to leave the meeting for the Panel to consider the application.

The Panel considered all information presented to it in the report, the additional information provided and through all representations made at the meeting.

Members were concerned that there had been a pattern of behaviour by the applicant which was of particular concern.

Councillor B Miskelly moved that the Panel reject the application to transfer the premises licence. Councillor M Bainbridge seconded.

A vote was taken; the vote in favour of rejecting the application to transfer the premises licence was unanimous. The motion was carried.

All parties returned to the meeting.

All parties were informed of the Panel's decision and the reasons for the decision.

It was said if the applicant was aggrieved about the decision they had a right of appeal to the magistrates court within 21 days.

Decision

To reject the application to transfer the premises licence.

Reasons for the Decision

The Licensing Panel decided to reject the application as it believed that it was necessary to do so for the promotion of the crime prevention objective.

The reason for the decision was the fact that there had been a number of alleged incidents of behaviour involving the proposed licence holder which would raise concern regarding whether the crime prevention objective would be promoted. There had been six recorded crimes against the applicant within a 12 month period. It was the pattern of behaviour which was particularly of concern and whilst the Panel appreciated that some of the incidents were denied, they considered that evidence and information provided by parties at

the hearing was sufficient to support this decision. It was also noted that the incident of theft whilst under the influence alcohol was admitted.

In making its decision, the panel has had regard to the Allerdale Statement of Licensing Policy 2016-21 which states that the Panel must consider the Licensing Act 2003 and its objectives, government guidance, supporting regulations, representations, duties and obligations under other legislation and the Statement of Licensing Policy. In doing so, the Panel has had regard and has given appropriate weight to the following considerations:

- the objections and supporting information presented by all parties
- guidance issued under s182 of the Act
- the Council's Statement of Licensing Policy
- the steps necessary to promote the licensing objectives.

Resolved

The application to transfer the premises licence be rejected.

The meeting closed at 2.20 pm