

At a meeting of the Licensing Panel held in Council Chamber, Allerdale House on Monday 15 August 2016 at 2.30 pm

Members

Councillor Angela Kendall (Chair)
Councillor Len Davies
Councillor Christine Smith

Councillor Hilary Harrington
Councillor Stephen Stoddart

Staff Present

B Carlin, D Devine, D Fletcher and C Liddle

116. Election of Chairman

Councillor A Kendall was elected Chair for the ensuing meeting.

117. Declaration of Interests

None declared.

118. Questions

None received.

119. Application to vary a premises licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider an application to vary a Premises Licence which had received representations against it.

Where relevant representations were received the council was required to hold a hearing to consider them and take any steps available as it considered necessary for the promotion of the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The applicant was invited into the meeting.

The Licensing and Compliance Officer read through the report.

The application was to vary the licence of the premises known as Pizza Panorama, situated on 58 Main Street, Keswick, to allow for later opening times.

The Licensing and Compliance Officer tabled a map which showed the location of the premises.

The existing premises licence set out the following:

Licensable activities authorised by the licence:

Provision of late night refreshment

The times the licence authorises the carrying out of licensable activities:

Monday – 11.00pm to 12.30am
Tuesday – 11.00pm to 12.30am
Wednesday – 11.00pm to 12.30am
Thursday – 11.00pm to 12.30am
Friday – 11.00pm to 12.30am
Saturday – 11.00pm to 12.30am
Sunday – 11.00pm to 12.30am

The opening hours of the premises:

Monday – 11.00am to 12.30am
Tuesday – 11.00am to 12.30am
Wednesday – 11.00am to 12.30am
Thursday – 11.00am to 12.30am
Friday – 11.00am to 12.30am
Saturday – 11.00am to 12.30am
Sunday – Noon to 12.30am

The application was originally made on 11 May 2016 but it was found that the applicant had not advertised it in the local press in the required timescale. The application was resubmitted on 20 June 2016.

The variation on the resubmitted application that the Panel was considering was to allow for:

The times the licence authorises the carrying out of licensable activities:

Monday – 11.00pm to 1.30am
Tuesday – 11.00pm to 1.30am
Wednesday – 11.00pm to 1.30am
Thursday – 11.00pm to 1.30am
Friday – 11.00pm to 1.30am
Saturday – 11.00pm to 1.30am
Sunday – 11.00pm to 1.30am

The opening hours of the premises:

Monday – 11.30am to 1.40am
Tuesday – 11.30am to 1.40am
Wednesday – 11.30am to 1.40am
Thursday – 11.30am to 1.40am
Friday – 11.30am to 1.40am
Saturday – 11.30am to 1.40am
Sunday – 11.30am to 1.40am

Representations were received from Environmental Health and from an interested party. The representations were attached to the report as appendices.

The steps that the applicant would take to promote the four licensing objectives were set out in the report.

The applicant was asked to make representation on the application.

The Environmental Health Officer was asked to make representation on the application.

The applicant, Licensing and Compliance Officer and Environmental Health Officer left the meeting for the Panel to consider the application.

The Panel considered the information in the report and all representations received on the application and made at the meeting.

The report set out the options available to the Panel under section 35(4) of the Licensing Act 2003:

- a) Modify the conditions of the licence
- b) Reject the whole or part of the application

Councillor A Kendall moved that the conditions of the premises licence be modified as follows:

The times the licence authorises the carrying out of licensable activities:

Monday – 11.00pm to 12.30am
Tuesday – 11.00pm to 12.30am
Wednesday – 11.00pm to 12.30am
Thursday – 11.00pm to 1.30am
Friday – 11.00pm to 1.30am
Saturday – 11.00pm to 1.30am
Sunday – 11.00pm to 12.30am

The opening hours of the premises:

Monday – 11.30am to 12.30am
Tuesday – 11.30am to 12.30am
Wednesday – 11.30am to 12.30am
Thursday – 11.30am to 1.30am
Friday – 11.30am to 1.30am
Saturday – 11.30am to 1.30am
Sunday – 11.30am to 12.30am

Councillor C Smith seconded the motion.

A vote was taken; 5 in favour of modifying the conditions of the premises licence and 0 against.

The motion in favour of modifying the premises licence was carried.

The applicant, Licensing and Compliance Officer and Environmental Health Officer returned to the meeting.

The Panel read out the decision and the reasons for it.

All parties were informed of the right of appeal.

Decision

The conditions of the premises licence be modified.

Reasons for the Decision

The Panel made its decision having regard to the following:

- The four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- The proposed steps to be taken by the applicant to promote the four licensing objectives
- The representation received from Environmental Health including their concerns regarding the potential undermining of the 'public nuisance' licensing objective by extending the opening hours to those requested in the application and the possibility that, by granting the requested extension to the opening hours, it would encourage other licence holders to apply to extend their hours
- The representation received from an interested party
- The representation made by the applicant
- The representation made by the Environmental Health Officer

Resolved

That the conditions of the premises licence for Pizza Panorama, 58 Main Street, Keswick, Cumbria, CA12 5JS be modified as follows:

The times the licence authorises the carrying out of licensable activities:

Monday – 11.00pm to 12.30am

Tuesday – 11.00pm to 12.30am

Wednesday – 11.00pm to 12.30am

Thursday – 11.00pm to 1.30am

Friday – 11.00pm to 1.30am
Saturday – 11.00pm to 1.30am
Sunday – 11.00pm to 12.30am

The opening hours of the premises:

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Friday – 11.30am to 1.30am
Saturday – 11.30am to 1.30am
Sunday – 11.30am to 12.30am

The meeting closed at 3.00 pm