

At a meeting of the Licensing Panel held in Council Chamber - Allerdale House, Workington on Friday 9 March 2018 at 2.30 pm

Members

Councillor Len Davies (Chair)
Councillor Billy Miskelly

Councillor Ron Munby

Apologies for absence were received from Councillor Tony Annison

Staff Present

D Devine, D Fletcher, J Morgan and R Wilkinson

391. Election of Chair

Councillor L Davies was elected Chairman for the ensuing meeting.

392. Declaration of Interests

None declared.

393. Questions

None received.

394. Application for a Premises Licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider an application for a new premises licence at the premises called Electric Soup, which was located at 2nd Floor, 41-45 Jane Street, Workington.

The applicant, designated premises supervisor and the applicant's representative were present at the meeting.

The applicant's representative had submitted a bundle of documents to the Licensing Panel at the meeting. The documents included a revised application.

The application had been modified following mediation. The following timings and activities were now proposed:

- Opening times:

Sunday to Thursday – 12:00 to 01:30

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:30

- Sale of alcohol:

Sunday to Thursday – 12:00 – 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 – 03:00

- Late night refreshment:

Sunday to Thursday – 23:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 23:00 to 03:00

- Live music:

Sunday to Thursday – 12:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:00

- Recorded music:

Sunday to Thursday – 12:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:00

- Performances of dance:

Sunday to Thursday – 12:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:00

- Anything of a similar description:

Sunday to Thursday – 12:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:00

The following interested parties had made representation on the application:

- Environmental Health – Following mediation this representation had been withdrawn.

- Cumbria Constabulary – Following mediation this representation had been withdrawn.
- Two relevant representations from interested parties – objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

The documents at the meeting also contained a copy of a judgement on a judicial review of a licensing decision made by the Wirral Magistrates' Court in the case of Daniel Thwaites vs Wirral Borough Magistrates' Court. The licensing decision related to an application for a premises licence. The applicant's representative made reference to this judgement in his representation at the meeting.

The applicant and designated premises supervisor also made representations at the meeting.

The applicant, designated premises supervisor, the applicant's representative, Licensing and Compliance Officer, Communications and Marketing Officer and the press left the meeting while the Panel considered the application.

Members considered the application, the information provided in the officer's report, the representations made by the applicant, the designated premises supervisor and the applicant's representative and letters of the interested parties, having regard to the four licensing objectives under the Licensing Act 2003.

Members sought to balance the interests of the licence holder and the interested parties and felt that it was reasonable and proportionate to grant the licence in accordance with the terms of the revised application as presented by the applicant's representative.

Councillor B Miskelly moved that the premises licence be granted. This was seconded by Councillor L Davies.

A vote was taken on the motion. The vote in favour of granting the licence was unanimous. The motion was carried.

In determining the application, the Panel considered the information provided by the applicant's representative regarding the presumption in favour of grant as per the case of Daniel Thwaites v Wirral Borough Magistrates' Court. The Panel did not consider that any evidence was presented to suggest that the application was contrary to the licensing objectives.

The Panel also noted that the responsible authorities had withdrawn their representations prior to the meeting due to successful mediation to amend the conditions which were now mutually agreeable.

The applicant, designated premises supervisor, the applicant's representative, Licensing and Compliance Officer, Communications and Marketing Officer and the press returned to the meeting.

The Licensing Panel informed those present of the decision it had taken and the reasons for the decision.

All parties were informed of their right to appeal to the Magistrates Court within 21 days of being notified of the licensing authority's determination of the application.

Decision

To grant the licence subject to the mandatory conditions and conditions included in the revised operating schedule.

Reasons for the Decision

The Panel made its decision having regard to the following:

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

Information provided in the Licensing and Compliance Officer's report

Representations made by the applicant, designated premises supervisor and the applicant's representative

Representations made by Environmental Health and Cumbria Constabulary which had been withdrawn

Representations made by interested parties

Information provided by the applicant's representative regarding the presumption in favour of grant as per the case of Daniel Thwaites v Wirral Borough Magistrates' Court.

Resolved

That the premises licence be granted for Electric Soup, 2nd Floor, 41-45 Jane Street, Workington.

The meeting closed at 3.25 pm