

# Allerdale Borough Council

## Licensing Panel – 14 January 2021

### To consider representations received in relation to an application for a premises licence

#### Premier Inn, High Hill, Keswick

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<b>Portfolio holder</b>	Councillor Jim Lister Finance and Legal
<b>Report from</b>	Deborah Fletcher, Licensing and Compliance Officer
<b>Wards affected</b>	Keswick
<b>Is this a key decision</b>	No

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#### **1.0 The reason for the decision**

- 1.1 To consider representations received in relation to an application for a premises licence under section 18(3) of the Licensing Act 2003.

#### **2.0 Recommendation**

- 2.1 The Panel should consider all the information contained in the report. They should make a decision from the options available in paragraph 7.0 taking into account information received from the applicant, other persons and any relevant legislation or guidance.

#### **3.0 Background and Introduction**

- 3.1 The Licensing Act 2003 allows for responsible authorities and other persons to make representations for or against an application. Representations must outline relevant information on how an application will promote or undermine the licensing objectives.
- 3.2 Representations were received against the application and they must be considered in line with section 18(3) of the Licensing Act 2003 (The Act).

## **4.0 Content**

- 4.1 The applicant is Whitbread Group Plc.
- 4.2 The application relates to the premises Premier Inn, High Hill, Keswick. The plan of the premises can be found at Appendix A.
- 4.3 The applicants have given a general description of the premises. It can be found at Appendix B.
- 4.4 The application is to allow live music, recorded music and the sale of alcohol in the following terms:

### **Films (indoors)**

Monday to Sunday 10:00 to 00:30

### **Late Night Refreshment (indoors)**

Monday to Sunday 23:00 to 00:00

### **Sale of Alcohol (on and off the premises)**

Monday to Sunday 10:00 to 00:30

- 4.5 The above activities to have non-standard timings in the following terms:  
To extend the proposed hours on New Year's Eve to New Year's Eve terminal hour as proposed being 00.30 on 2<sup>nd</sup> January.
- 4.6 The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.
- 4.7 The applicant has proposed various measures that it will use to promote the licensing objectives should a licence be granted. Those documents can be found at Appendix C.
- 4.8 The designated premises supervisor is Jacqueline Allum. Ms Allum has a personal licence with Hart District Council.
- 4.9 As well as responsible authorities, any other person can make representations for or against an application. Two representations have been received against the application. The representations can be found at Appendix D. One of the representations made mention to a procedural issue which was resolved. Reference to that issue has been removed.

## **5.0 Legislation and Policy**

- 5.1 The Licensing Act 2003 has four licensing objectives –  
The prevention of crime and disorder;

Public safety;  
The prevention of public nuisance; and  
The protection of children from harm.

- 5.2 The application process includes circulating the application to all the responsible authorities. It also includes advertising the application in the local press and displaying a notice at the premises. This is to allow for representations to be made for or against the application. Representations should be about the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 5.3 The Licensing Authority must hold a hearing to consider any representations made unless all parties agree that a hearing isn't necessary. It is considered necessary to hold a hearing to consider the representations in this case.
- 5.4 The Allerdale Statement of Licensing Policy 2016-2021 section 7.1 states that, when considering applications, the Panel should have regard to the Act and its objectives, Government guidance, supporting regulations, representations, duties and obligations under other legislation and the statement of Licensing Policy.
- 5.5 Paragraph 7.2 of the Policy states that an application should be considered on its individual merits.
- 5.6 Revised Guidance issued under section 182 of the Licensing Act 2003 provides advice on considering if a representation is relevant. It recommends in borderline cases the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing will provide an opportunity for the person making the representation to amplify and clarify it.

## **6.0 Implications and Impact**

### **6.1 Finance/Resource implications**

The applicants have paid a non-refundable fee of £100.00.

### **6.2 Legal and governance implications**

The applicant or any person who has made relevant representations to the application is entitled to make an appeal if they are aggrieved by the decision of the Council. That person has the right of appeal to a Magistrates' Court within 21 days of the decision.

### **6.3 Equality impacts**

Impact Assessment not completed.

### **6.4 Health and Safety impacts**

None.

## 6.5 Health, wellbeing and community safety impacts

The licensing objectives adequately deal with any potential impact's community safety and wellbeing. Health is not a licensing objective.

## 6.6 Environmental/sustainability impacts

Not applicable in respect of the licensing objectives.

## 6.7 Other significant implications

None.

## 7.0 Options available to the Licensing Regulatory Panel

7.1 The Panel must consider the representations and take such steps as it considers necessary for the promotion of the licensing objectives.

7.2 The steps available are:

- a) Grant the licence subject to the conditions mentioned in the operating schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and any mandatory condition.
- b) Exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) Refuse to specify a person in the licence as the premises supervisor
- d) Reject the application

7.3 The Licensing Panel should give reasons for its decision.

## Appendices attached to this report

Appendix number	Title of appendix
A	Premises plan
B	General description
C	Documents provided by the applicant to promote the licensing objectives.
D	Representations – Other persons x2

## Background documents available

Name of background document	Where it is available

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