

Licensing Act 2003 Sub-Committee

Monday, 24 November 2008

Present: Councillor Iris Smith (Chair) and Councillors David Dickinson and Thomas McGowan

Also in attendance: at the commencement of the meeting Councillor Doreen Dickinson (Chorley Borough Councillor For Lostock Ward), Zeynab Patel, Gordon Bankes (Democratic Services Officer), Janet Brereton (Legal Assistant (Licensing and Registration)), Stephen Culleton (Licensing Manager) and Bob Beeston (Licensing Enforcement Officer)

08.LAS.13 DECLARATIONS OF ANY INTERESTS

None of the Sub-Committee declared an interest in the one agenda item under discussion.

08.LAS.14 APPLICATION TO TRANSFER A PREMISES LICENCE UNDER SECTION 42 OF THE LICENSING ACT 2003 AND AN APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR UNDER SECTION 37 OF THE LICENSING ACT 2003 RELATING TO THE PREMISES KNOWN AS THE ROSE AND CROWN, ST THOMAS'S ROAD, CHORLEY.

The Director of Corporate Governance submitted a report requesting Members to determine whether an application to transfer a premises licence could be granted and also to determine whether an application to vary the premises licence to operating as individual(s) as a Designed Premises Supervisor.

The report indicated that applications had been received on 15 October 2008 and that on 27 October 2008 Lancashire Constabulary made a representation in respect of both applications stating that they felt that there were exceptional circumstances that would undermine the Crime Prevention Objective of the Licensing Act 2003 if the applications were granted.

Owing to the sensitive nature of the Police representation, Lancashire Constabulary made a request to the Sub-Committee for further evidence be considered at the hearing that had not been previously disclosed.

The Sub-Committee **AGREED** for the exclusion of the press, but not the public, under Statutory Instrument 2005 No44, the Licensing Act 2003 (Hearings) Regulations 2005 Section 14(2) which stated "the licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing takes place in public". And Section 14(3) which states 'for the purpose of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public'.

The Sub-Committee also **AGREED** to a request from the applicant's legal representative to change the order of the proceedings to allow the Police representation to go first, in order for the applicant to respond.

The Sub-Committee received further evidence from Lancashire Constabulary relating to confidential intelligence reports.

The applicant along with a representative from Scottish & Newcastle Brewery and the Brewery legal representative attended the meeting to put forward their representations in support of the applications.

Counsel for the Police as well as Police Officers made representations against the application on the grounds that there were exceptional circumstances that could undermine the Crime Prevention objectives as set out in the Licensing Act 2003 if the applications were granted.

(At the conclusion of both applicants and the Police presentation of their representations and the Sub-Committee questioning, the applicant and the Police representatives left the meeting).

The Sub-Committee then gave due and careful consideration to all aspects of the applications, both the applicants and the Police's representations; the implication of the licensing objectives; and the courses of action available and arrived at the following decision:

DECISION FOR:

Application to vary the Premises Licence to specify an individual as a Designated Premises Supervisor under Section 37 of the Licensing Act 2003 relating to the premises known as the Rose and Crown, St Thomas's Road, Chorley.

The Sub-Committee convened to consider a report from the Corporate Director of Governance to determine whether an Application to Vary the Premises Licence to specify an individual (Emma Louise Mayron) as a Designated Premises Supervisor can be granted.

The Licensing Sub-Committee considered carefully the applicant's representations and the verbal and written submission by Lancashire Constabulary to this application.

The Sub-Committee considered the Guidance issued under Section 182 of the Licensing Act 2003, together with the Council's Statement of Licensing Policy, in particular those paragraphs referred to in the report.

The Sub-Committee are mindful that it has to achieve a balanced approach to the difficult issues it has heard throughout the hearing and in particular with regard to the family connections.

The Sub-Committee also considered the Human Rights implications, specifically Article 8 and Article 1 of the First Protocol and the proportionality principles.

The Sub-Committee agreed that the application be granted

The Sub-Committee are satisfied that there are no exceptional circumstances that would undermine the Crime Prevention Objective of the Licensing Act 2003 and are also satisfied that the evidence submitted by the Police was not robust enough to reject the application.

The Sub-Committee was convinced that the family connection would not influence the applicant's management of the Rose and Crown in a disadvantaged way or have an adverse effect on the operation of the premises.

The Sub-Committee recognised that the applicant has some experience of working in this establishment, however the applicant should take full advantage of support and training available to her from the Scottish and Newcastle Brewery. Drug awareness training would be advantageous. It is recommended that the applicant becomes a member of the Chorley Pub Watch.

The Sub-Committee received no reports that staff and customers from the premises had conducted themselves in a disorderly or anti-social manner in the vicinity. There were no adverse comments associated to the applicants.

The Sub-Committee considered that the applicant co-operated with the Police and demonstrated an ability to work together with them. The Sub-Committee expects this co-operation to continue.

It is the applicant's responsibility that the CCTV at the premises be operated to its full advantage in protecting the premises and all occupants at all times in fulfilling the licensing objectives. It is recommended that a log be kept with regard to all incidents relevant to the licensing objectives.

The Sub-Committee trusts that these recommendations will encourage the applicant and give her the confidence to fulfil her role in a responsible manner. The applicant must not allow her family **members** to influence her personal integrity.

DECISION FOR:

Application to Transfer a Premises Licence under Section 42 of the Licensing Act 2003 relating to the premises known as the Rose and Crown, St Thomas's Road, Chorley.

The Sub-Committee convened to consider a report from the Corporate Director of Governance on an Application to Transfer a Premises Licence from Carole Smith to Emma Louise Mayron and Hayley Gowan.

The Licensing Sub-Committee considered carefully the applicants representations and the verbal and written submission by Lancashire Constabulary to this application.

The Sub-Committee considered the Guidance issued under Section 182 of the Licensing Act 2003, together with the Council's Statement of Licensing Policy, in particular those paragraphs referred to in the report.

The Sub-Committee are mindful that it has to achieve a balanced approach to the difficult issues it has heard throughout the hearing and in particular with regard the family connections.

The Sub-Committee also considered the Human Rights implications specifically Article 8 and Article 1 of the First Protocol and the proportionality principles.

The Sub-Committee agreed that the application be granted

The Sub-Committee are satisfied that there are no exceptional circumstances that would undermine the Crime Prevention Objective of the Licensing Act 2003 and are also satisfied that the evidence submitted by the Police was not robust enough to reject the application.

The Sub-Committee are convinced that the family connection will not influence the management of the Rose and Crown in a disadvantaged way or have an adverse effect on the operation of the premises.

The Sub-Committee recognises that the applicants have some experience of working in this establishment and are striving to develop the business. The applicant should take full advantage of support and training available to them from the Scottish and Newcastle Brewery. Drug awareness training was considered to be very important. It is recommended that the applicants become members of the Chorley Pub Watch.

The Sub-Committee received no reports that staff and customers from the premises had conducted themselves in a disorderly or anti-social manner in the vicinity. There were no adverse comments associated to the applicants.

The Sub-Committee considered that the applicants co-operated with the Police and demonstrated an ability to work together with them. The Sub-Committee expects this co-operation to continue.

The Sub-Committee recognised that CCTV was in operation at the premises and anticipated that this should be made available as necessary to the appropriate authorities. It is recommended that a log should also be kept with regard to all incidents relevant to the licensing objectives.

The Sub-Committee trusts that these recommendations will encourage the applicants and give them the confidence to fulfil their roles in a responsible manner. The applicants must not allow family **members** to influence their personal integrity.

(The applicant and Lancashire Constabulary were notified of the Sub-Committee decision by letter on 22 November 2008, together with their right of appeal to the Magistrates Court within 21 days).

Chair