

Statutory Licensing Sub-Committee B

Tuesday, 25 April 2006

Present: Councillor Miss M Iddon (Chair), Councillors A Gee and Mrs S Walsh

06.SLB.22 DECLARATIONS OF ANY INTERESTS

RESOLVED - That the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

06.SLB.23 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION BY MR P TO TRANSFER PREMISES LICENSE AND VARIATION OF PREMISES LICENSE TO CHANGE DESIGNATED PREMISES SUPERVISOR OF PREMISES LONDIS 118 PARK ROAD CHORLEY

The Deputy Director of Legal Services submitted a report requesting the Sub-Committee to determine an application to grant a transfer of a premises licence as well as to vary a premises licence to specify an individual as a designated premises supervisor.

The report indicated that Mr P made application on 15 March 2006 to firstly transfer a premises licence and secondly to vary a Premises Licence to select an individual as designated premises supervisor. On 22 November 2005 Mr P was granted a personal licence by the Chorley Borough Council.

In accordance with Section 37 (5 and 6) and 42 (5 and 6) Lancashire Police submitted objection to both applications on the grounds that the crime prevention objective would be undermined.

The report indicated the reasons for the objections from the Police.

The Committee received at the meeting witness statements from both the Police and the applicant supporting their representations.

The applicant accompanied by his legal representative and a witness attended the meeting putting forward representations in support of the application and providing explanations.

The Police also attended the meeting along with their legal representative as well as presenting witnesses in their support of the objection.

The Sub-Committee raised a number of issues with the applicant and the Police representative and considered all the written and verbal evidence in the interest of the provision of the Council's adopted Statement of Licensing Policy and Government Guidelines.

After taking account of the representation and relevant factors, the Sub-Committee arrived at the following unanimous **DECISION**

The Licensing Committee have considered the written and verbal representations submitted and made by and on behalf of both the applicant and Lancashire Police.

The Committee is aware of its obligations under Section 4 of the Licensing Act 2003 and in relation to the application before us whether granting the applications would undermine the crime and prevention objective.

We have also considered the guidance issued under Section 182 of the Act together with the Council's Statement of Licensing Policy. We note that Paragraph 11 of the report prepared for this meeting makes reference to Paragraph 25.3 of the Council's Statement of Licensing Policy however, we consider Paragraph 26 to be relevant.

There is an allegation that alcohol has been sold to someone who is underage and this is not in dispute.

What is in dispute however, is whether identification has been produced with Mr P claiming there has and Miss W saying she didn't produce any identification.

We found Mr B to be a credible witness.

We have formed the view that the processes in place for addressing the sale of alcohol to children appear to have been inadequate despite the fact that Mr P has completed the necessary training course in order to obtain a personal license and should have been aware of the requirements imposed by the legislation.

We have formed the view that the applications be rejected as we consider this necessary to promote the crime prevention objective.

Chair