

Report to Licensing Sub-Committee

Item
A.1

Meeting Date: 6th September 2022
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework YES
Public / Private Public

Title: No.15 Gin Bar – Objection to applications to Transfer a Premise Licence (PL583) and to Specify a Designated Premises Supervisor
Report of: Corporate Director of Governance and Regulatory Services
Report Number: GD 48/22 **AMENDED**

Purpose / Summary:

Cumbria Constabulary have made an objection under the Licensing Act 2003 for the applications received from Rose and Thistle Carlisle Ltd to Transfer the Premises Licence (PL583) and to Vary a Premises Licence to Specify a Designated Premises Supervisor (DPS) for No.15 Gin Bar, Warwick Road, Carlisle. The report details the reasons for the objection and options for Members to consider the application in light of the representation that has been made by Cumbria Constabulary.

Recommendation: -

It is recommended that the Sub-Committee determine the matter and either:

For the Transfer of Premises Licence Application

- (a) Dismiss the objection for the application to Transfer the Premise Licence and grant the application
- (b) Allow the objection to the Transfer of the Premises Licence and reject the application as made.

For the application to Specify a Designated Premises Supervisor (DPS)

- (c) Dismiss the objection for the application to Specify a DPS and grant the application
- (d) Allow the objections and remove Mr Agnew as DPS for PL583.

1. Introduction and Applications

- 1.1. No 15 Gin Bar, 15 Warwick Road, Carlisle has a Premises Licence authorising the following licensable activities.

Sale of alcohol	Everyday	9:00am – 1:00am
Recorded Music & Live Music	Everyday	9:00am -1:00am
Late Night Refreshment	Everyday	11:00pm – 1:00am

- 1.2. Applications were received from Rose and Thistle Carlisle Ltd on 2nd August 2022 to Transfer the Premises Licence PL583 into their company and also to specify Daniel Agnew as the Designated Premises Supervisor (**Appendix 1 & 2**)
- 1.3. Mr Daniel Agnew and Mr Benjamin Vickery are named as Directors of Rose & Thistle Carlisle Ltd on the company record kept by Companies House.
- 1.4. Where a holder of a premises licence (which authorises the sale of alcohol), has applied to transfer a premises licence and to vary the licence, so as to specify the individual named in the application as the Designated Premises Supervisor (DPS); they must also serve a copy of the applications on the Chief of Police for that area.
- 1.5. If the Chief of Police is satisfied that the exceptional circumstances of the case are such that the granting of the application(s) would undermine the crime prevention objective, they must give the relevant licensing authority a notice why they are so satisfied within a period of 14 days beginning with the day on which they are notified of the application(s).

2. Notices of Objection

- 2.1. In this case, such a notice for each application has been received by the Licensing Authority from PC Heidi Underwood, Police Licensing Officer on behalf of Cumbria Constabulary. Redacted notices are attached at **Appendix 3 & 4**. Due to the sensitive personal information contained in the notices, full versions will be considered within Part B of the hearing under report GD 49/22.
- 2.2. PC Underwood provides information within the notices of the reasons why it is thought that granting the applications would seriously undermine the crime prevention objective. This includes details of the management of a licensed premises, Mamo, Carlyle Court, Carlisle. The applicants held the premises

licence and Mr Agnew was DPS. PC Underwood gives details of disorder, breach of conditions, Covid breaches and lack of assistance with Cumbria Police in the investigation into the murder outside of the premises in September 2021.

3. Legal Position

- 3.1 The Licensing Authority (in the case Carlisle City Council) is required to hold a hearing to consider the objection notices for the transfer of the premises licence and the application to specify a DPS unless the authority, the applicant and the chief officer of the police who gave the notices agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.2 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may consider documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties at the hearing.
- 3.3 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard but has heard or read about.
- 3.4 It must be noted that clear reasons should be given for the decisions and an appeal may be made to the Magistrates' Court against the decisions of the authority by the responsible authority, interested party or premises licence holder, within 21 days from the date of being notified.
- 3.5 Section 52(11) provides that a determination under this section does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

4. Reason for Decision/Recommendation

- 4.1. The Licensing Authority has received objection notices from Cumbria Constabulary in relation to applications to transfer the premises licence PL583 and specify a DPS for the premises. They have stated granting the applications would seriously undermine the crime prevention objective.
- 4.2. The application will be determined in accordance with the relevant sections of the Act, the statement of licensing policy and guidance offered by the secretary of state

5. Recommendation

It is recommended that the Sub-Committee determine the matter and either:

For the Transfer of Premises Licence Application

- a. Dismiss the objection for the application to Transfer the Premise Licence and grant the application
- b. Allow the objection to the Transfer of the Premises Licence and reject the application as made.

For the application to Specify a Designated Premises Supervisor (DPS)

- c. Dismiss the objection for the application to Specify a DPS and grant the application
- d. Allow the objections and remove Mr Agnew as DPS for PL583.

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Appendices

attached to report:

1. Application to Transfer a Premise Licence (PL583)
2. Application to Specify a DPS (PL583)
3. Notice of objection for application to Transfer Premises Licence (PL583) (Redacted)
4. Notice of objection for application to Specify a DPS (PL582) (Redacted)

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS:

LEGAL – contained in report

FINANCE – None

EQUALITY – None

INFORMATION GOVERNANCE –