



AGENDA

Licensing Sub-Committee 2

Tuesday, 06 September 2022 AT 10:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

NOTE TO MEMBERS: Councillors Meller, Dr Tickner and Mrs Bowman will attend this Sub Committee as a member and Councillor Mrs Mitchell will attend as a substitute.

Appointment of Chair for the Meeting

To appoint a Chair of Licensing Sub Committee 2 for this meeting.

APOLOGIES FOR ABSENCE

To receive apologies for absence and notification of substitutions.

DECLARATIONS OF INTEREST

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

PUBLIC AND PRESS

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

PART A

To be considered when the Public and Press are present

A.1 NO. 15 GIN BAR – OBJECTION TO APPLICATIONS TO TRANSFER THE PREMISES LICENCE AND TO SPECIFY A DESIGNATED PREMISES SUPERVISOR **3 - 38**

The Licensing Manager to present applications to transfer a Premises Licence and to vary a Premises Licence to Specify a Designated Premises Supervisor for No.15 Gin Bar, Warwick Road which has received an objection.
(Copy report GD.48/22 herewith)

A.2 CONSIDERATION OF SUSPENSION OR REVOCATION OF A PERSONAL LICENCE **39 - 58**

The Licensing Manager to present a report regarding a Personal Licence Holder who has been convicted of an offence contrary to the Road Traffic Act 1988.
(Copy report GD.50/22 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

B.1 NO. 15 GIN BAR – OBJECTION TO APPLICATION TO TRANSFER THE PREMISES LICENCE

**** This report is not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as it contains information relating to any individual. ****

To consider sensitive personal information in relation to applications to transfer a Premises Licence and to vary a Premises Licence to Specify a Designated Premises Supervisor for No.15 Gin Bar, Warwick Road which has received an objection (agenda item A.1)
(Appendix to report GD.48/22 herewith)

Enquiries, requests for reports, background papers etc to:
democraticservices@carlisle.gov.uk

Report to Licensing Sub-Committee 2

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

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 to 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. Redated 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

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.

Contact Officer: Nicola Edwards

Ext: 7025

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 –

FINANCE –

EQUALITY –

INFORMATION GOVERNANCE –

CA09

Carlisle City Council
Licensing Manager, Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk



Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

Rose and Thistle Carlisle Ltd.

I/we ~~DARTEL G P P AGNEW~~ ~~BEN MICHAEL VICKERY~~
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PL 583

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

NO. 15 GINBAR
15 WARWICK ROAD

Post town

CARLISLE

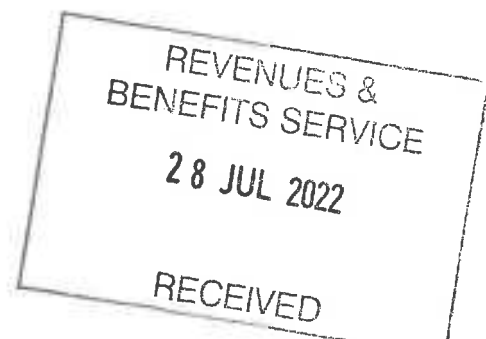
Post code (if known)

CA1 1DH

Telephone number (if any)

Description of premises (please read guidance note 1)

GINBAR



Part 2

Full name of proposed designated premises supervisor DANIEL.G.D.P AGNEW
Nationality
Place of birth
Date of birth

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
--

Full name of existing designated premises supervisor (if any)
--

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it THE LICENSE IS IN THE PREMISES UNTIL IT IS TRASFERED OVER TO US.

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

1/8/22

Capacity

Director

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

1/8/22

Capacity

Director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Carlisle

Post Code

Telephone number (if any)
If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

CA16

Carlisle City Council
Licensing Manager, Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk



Consent of individual to being specified as premises supervisor

DANIEL G D P AGNEW

I
[full name of prospective premises supervisor]

of

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE
[type of application]

by
Rose and Thistle Carlisle Ltd

X ~~DANIEL G D P AGNEW~~
[name of applicant]

relating to a premises licence _____
[number of existing licence, if any]

for

NO. 15 GIN BAR
15 WARWICK ROAD
CARLISLE
CA1 1DH

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by Rose and Thistle Centre Ltd

~~DANIEL G.D.P AGNEW~~
[name of applicant]

concerning the supply of alcohol at

NO. 15 GIN BAR
15 WARWICK ROAD
CARLISLE
CA1 1DH

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PA1953
[insert personal licence number, if any]

Personal licence issuing authority

CARLISLE CITY COUNCIL
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed _____

Name (please print)

DANIEL G.D.P AGNEW

Date

26/7/22

CA10

Carlisle City Council
Licensing Manager, Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk



Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We ~~DANIEL G D PAGNEW BEN MICHAEL VICKERY~~
~~DANIEL G D PAGNEW BEN MICHAEL VICKERY~~
(Insert name of applicant) ROK and THISTLE CARLISLE LTD.
apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PL 583

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description NO. 15 GIN BAR 15 WARWICK ROAD CARLISLE CA11DH	
Post town CARLISLE	Post code CA11DH
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1)
GIN BAR

Name of current premises licence holder
JAMES GALLAGHER.

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick yes

a) an individual or individuals*

please complete section (A)

b) a person other than an individual *

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **First names**

Date of birth **I am 18 years old or over** Please tick yes

Nationality

Where applicable (if demonstrating a right to work via the Home Office online right to work checking services), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information).

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Where applicable (if demonstrating a right to work via the Home Office online right to work checking services), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information).

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Rose and Thistle Centre Ltd. BEN MICHAEL VICKERY DANIEL G D P AGNEW	K
Address		
Registered number (where applicable)	121 77580	X
Description of applicant (for example partnership, company, unincorporated association etc.)	ltd COMPANY	X
Telephone number (if any)		
E-mail address (optional)	Rose and Thistle Centre Ltd.	

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
01	08	2022

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

The licence is in the premises until it is transferred over to us.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today
- Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2)

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE

WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

1/8/22

Capacity

Director

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

1/8/22

Capacity

Director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Cardu

Post Code

CA03

Carlisle City Council

Licensing Manager, Civic Centre, Carlisle CA3 8QG

Tel: 01228 817523 Fax: 01228 817023

Email: licensing@carlisle.gov.uk

CARLISLE CITY COUNCIL



www.carlisle.gov.uk

Consent of premises licence holder to transfer

~~Insert~~
full

JAMES GALLAGHER

name(s) of premises licence holder(s)]

the premises licence holder of premises licence number

[Insert premises licence number]

relating to premises:

NO. 15 GIN BAR
15 WARWICK ROAD
CARLISLE
CA1 1DH

[insert name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

[Insert premises licence number]

to

Rose and Thistle Carlisle LTD

[full name and address of transferee]

Signed:

Print name:

James Gallagher

Dated:

1-8-22

**Making an Objection against an Application to Transfer a Premises Licence under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I PC 1479 Heidi UNDERWOOD

(Insert name of applicant)

Make this representation under Section 42(6) of the Licensing Act 2003 for the premise described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description No15 Gin Bar, 15 Warwick Road	
Post town Carlisle	Post code (if known) CA1 1DH

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

April 2017

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Cumbria Constabulary Carlisle Police Station Durrhill Industrial Estate Brunel Way Carlisle CA1 3NQ
Telephone number (if any) 101
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Police consider that there are exceptional circumstances regarding this application and consider that granting the application would seriously undermine the crime prevention objective.

We are objecting to both the transfer of the license and the specified DPS.

In 2020 Rose and Thistle Carlisle Ltd held the license for Mamoa Bar with the DPS being Daniel AGNEW.

Since opening in 2020 Mamoa came to the attention of the police in relation to issues with the management of the premises and breaches of covid regulations.

On the first night of opening in July 2020 we received a report of 20 people fighting within the premises, two off duty officers who were in a neighbouring premises had to come and assist which resulted in a male being arrested for D&D. (CP-20200704-0196)

On the 08/08/20 police received a report of mass fighting 30+ people. (CP-20200808-0312)

On the 14/08/20 police received a report of around 30 people smashing glasses and causing an issue, there were only 2 staff members on at the time. (CP-20200814-0312)

In August 2020 a licensing visit was carried out and concerns were raised, all of which were put in writing to Mr AGNEW however the issues continued. One of the issues raised was the lack of door staff.

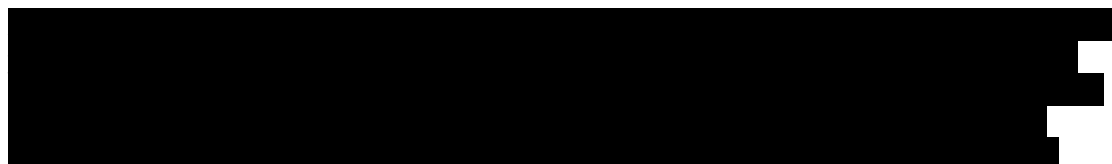
During the Covid pandemic they continually breached covid guidelines and were issued with a fixed penalty ticket.

On 13/05/21 Police received a report of 3 males fighting one of the males being the manager and another a member of staff at the premises. When officers attended no one would speak to the police and when they requested to see the CCTV footage, the owner stated the CCTV was not working at the time and then a follow up by agencies suggested the CCTV had been wiped. (CP-20210513-0231) clearly a breach of their licence conditions.

On the 18/09/21 there was a murder in the courtyard directly outside Mamoa involving people that had been in the premises. Following the incident, the manager failed to cooperate with the police making it very difficult for the police to get the CCTV. In the seizing officers statement, it states that he went in, unplugged it and seized it as this was the only way they could get the CCTV due to how difficult Daniel AGNEW was being at the time, as he continued to make himself unavailable to police when requested. (CP-20210918-0248)

In December 2021 a meeting was held with Mr AGNEW to raise concerns about the premises and he was asked to submit a minor variation to amend their licence conditions to include a requirement for door staff, along with several other conditions which would help prevent crime and disorder but this did not happen.

In April 2021 the lease between the owners of Carlyle Court forfeited the lease with Rose and Thistle Carlisle Ltd and the property was secured. It is understood that this was following breaches of the lease and disputes with neighbouring businesses.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Both Sergeant BLACK and PC UNDERWOOD will attend any hearing to provide evidence / clarify questions etc.

Police have serious misgivings as to whether this company / applicant should be granted transfer onto this licence and request the applicant be rejected and request that Mr AGNEW is removed as the Designated Premises Supervisor.

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Police Sergeant Peter Aiston (Signed on behalf of PC Heidi Underwood)

.....

Date 09/08/2022

.....

Capacity Police licensing officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Making an Objection against an Application to Specify a DPS under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I PC1479 Heidi UNDERWOOD

(Insert name of applicant)

Make this representation under Section 42(6) of the Licensing Act 2003 for the premise described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

No15 Gin Bar,
15 Warwick Road

Post town Carlisle

Post code (if known) CA1 1DH

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

April 2017

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Cumbria Constabulary Carlisle Police Station Durranshill Industrial Estate Brunel Way Carlisle CA1 3NQ
Telephone number (if any) 101
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Police consider that there are exceptional circumstances regarding this application and consider that granting the application would seriously undermine the crime prevention objective.

We are objecting to both the transfer of the license and the specified DPS.

In 2020 Rose and Thistle Carlisle Ltd held the license for Mamoa Bar with the DPS being Daniel AGNEW.

Since opening in 2020 Mamoa came to the attention of the police in relation to issues with the management of the premises and breaches of covid regulations.

On the first night of opening in July 2020 we received a report of 20 people fighting within the premises, two off duty officers who were in a neighbouring premises had to come and assist which resulted in a male being arrested for D&D. (CP-20200704-0196)

On the 08/08/20 police received a report of mass fighting 30+ people. (CP-20200808-0312)

On the 14/08/20 police received a report of around 30 people smashing glasses and causing an issue, there were only 2 staff members on at the time. (CP-20200814-0312)

In August 2020 a licensing visit was carried out and concerns were raised, all of which were put in writing to Mr AGNEW however the issues continued. One of the issues raised was the lack of door staff.

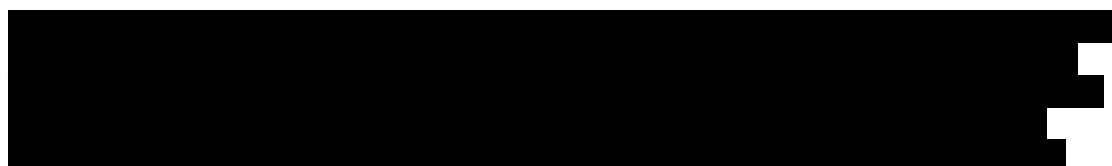
During the Covid pandemic they continually breached covid guidelines and were issued with a fixed penalty ticket.

On 13/05/21 Police received a report of 3 males fighting one of the males being the manager and another a member of staff at the premises. When officers attended no one would speak to the police and when they requested to see the CCTV footage, the owner stated the CCTV was not working at the time and then a follow up by agencies suggested the CCTV had been wiped. (CP-20210513-0231) clearly a breach of their licence conditions.

On the 18/09/21 there was a murder in the courtyard directly outside Mamoa involving people that had been in the premises. Following the incident, the manager failed to cooperate with the police making it very difficult for the police to get the CCTV. In the seizing officers statement, it states that he went in, unplugged it and seized it as this was the only way they could get the CCTV due to how difficult Daniel AGNEW was being at the time, as he continued to make himself unavailable to police when requested. (CP-20210918-0248)

In December 2021 a meeting was held with Mr AGNEW to raise concerns about the premises and he was asked to submit a minor variation to amend their licence conditions to include a requirement for door staff, along with several other conditions which would help prevent crime and disorder but this did not happen.

In April 2021 the lease between the owners of Carlyle Court forfeited the lease with Rose and Thistle Carlisle Ltd and the property was secured. It is understood that this was following breaches of the lease and disputes with neighbouring businesses.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Both Sergeant BLACK and PC UNDERWOOD will attend any hearing to provide evidence / clarify questions etc.

Police have serious misgivings as to whether this company / applicant should be granted transfer onto this licence and request the applicant be rejected and request that Mr AGNEW is removed as the Designated Premises Supervisor.

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Police Sergeant Peter Aiston (signed on behalf of PC Heidi Underwood)

.....

Date **09/08/22**

.....

Capacity **Police Licensing Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Report to Licensing Sub-Committee 2

Meeting Date:	6 th September 2022
Portfolio:	Finance, Governance and Resources
Key Decision:	No
Within Policy and Budget Framework	YES
Public / Private	Public
Title:	Consideration of Suspension or Revocation of a Personal Licence Following Conviction of a Relevant Offence - Licensing Act 2003
Report of:	Corporate Director of Governance and Regulatory Services
Report Number:	GD 50/22

Purpose / Summary:

The Licensing Authority has been made aware that Daniel Agnew a holder of a Personal Licence issued by Carlisle City Council under the Licensing Act 2003 has been convicted of an offence contrary to The Road Traffic Act 1988. This is a relevant Offences under the Licensing Act 2003.

Recommendation

It is recommended the Sub-Committee consider the suspension or revocation of the Personal Licence held by Mr Agnew in accordance with one of the options set out in paragraph 8.

1 Background

- 1.1 Mr Daniel G.D.P. Agnew was issued with a Personal Licence PA1953 by Carlisle City Council on 12th November 2019. The validity of such a licence is indefinite. **(Appendix 1)**.
- 1.2 An application has been received for Mr Agnew to be Designated Premises Supervisor (DPS) of the Number 15 Gin Bar. Cumbria Constabulary have objected to the application and consideration of the objection is to be considered by the Sub-Committee elsewhere on the agenda. A DPS is responsible for the day to day running of the premises and is responsible for all sales of alcohol within the premises.

2 Circumstances leading to Sub-Committee Hearing

- 2.1 Applications were received from Rose and Thistle Carlisle Ltd (Benjamin Vickery and Daniel Agnew are Directors) to transfer the premises licence and specify Mr Agnew as the DPS for No 15 Gin Bar, Warwick Road, Carlisle.
- 2.2 In accordance with legislation the Chief of Police has 14 days to consider the application(s) and raise an objection if it is considered that granting the application would undermine the crime prevention licensing objective.
- 2.3 Relevant checks were made on the applicants in consideration of the applications by Cumbria Constabulary and it was brought the attention of the Licensing Authority that on 17th April 2021 Mr Agnew was convicted for the offence under the Road Traffic Act 1988 of Driving a Vehicle with Alcohol Concentration above the Prescribed Limit.
- 2.4 This is a relevant offence under the Licensing Act 2003 and Mr Agnew was sent a letter on 4th August 2022 to inform him of the requirement to inform the Licensing Authority of the recent conviction and that the licence should be returned in order for it to be endorsed with the conviction. **(Appendix 2)**
- 2.5 Mr Agnew returned his Personal Licence card on 9th August 2033 and was sent a further letter on that date detailing a notification that the Licensing Authority is to consider suspension or revocation of his Personal Licence and that he had 28 days to forward representations regarding this **(Appendix 3)**.
- 2.6 A letter of representation was received by Mr Agnew via email on 16th August 2022 Licensing Office detailing his circumstances around the time of the offence and reasons why he did not inform the Licensing Authority at the time. **(Appendix 4)**

3 Personal Licenses – Licensing Act 2003

- 3.1 The Licensing Sub Committee are asked to consider the suspension or revocation of a personal licence following a conviction of a relevant offence by the holder of that licence.
- 3.2 'Relevant offence' refers to the offences listed in the Licensing Act 2003 that could, on conviction, rule out the grant of a personal licence to the applicant concerned.
- The offences include:
- those involving serious crime;
 - those involving serious dishonesty;
 - those involving controlled drugs;
 - certain sexual offences; and
 - offences created by the Act.
- 3.3 From November 2005 when the Licensing Act came into force only Courts could suspend or revoke a Personal Licence.
- 3.4 Since 06 April 2017 Section 138 of The Policing & Crime Act 2017, amended the Licensing Act 2003 giving Licensing Authorities who issue Personal Licences discretionary powers to suspend (for up to 6 months) or revoke the Personal Licence when the Licensing Authority becomes aware that an individual holding a personal licence has been convicted of a "relevant offence" Offences contrary to The Food Safety Act are Relevant Offences within The Licensing Act 2003.
- 3.5 Section 132A of the Licensing Act states that when the Licensing Authority becomes aware that a holder of a Personal Licence has been convicted of a relevant offence a Notice must be sent to the holder of the Personal Licence inviting the Personal Licence Holder to make representations regarding the conviction within 28 days. This notice cannot be forwarded until after the period for lodging an appeal against the conviction for a relevant offence has passed. Where an appeal has been lodged, it must be decided, and the conviction upheld in order for the Licensing Authority to exercise its powers. The Licensing Authority will also communicate in writing to the personal licence holder informing them that they must return their Personal Licence within 14 days to have the conviction endorsed on the licence.
- 3.6 A notice inviting a personal licence holder to make any representations regarding the convictions can be issued by The Licensing Manager. At the expiry of the 28 day period, the Licensing Authority must determine whether or not to suspend/revoke the licence. Where the Licensing Authority is minded not to revoke the licence, it must notify the Chief of Police Cumbria Constabulary of this decision. The police may make representations within 14 days of being notified

of the Licensing Authority's proposed decision. A final decision on the suspension/revocation of the Personal Licence can be made after the expiry of the 14 day period. The Personal Licence Holder may appeal the decision to the Magistrates Court

4 Legal Position

4.1 The License holder has a duty to notify the licensing authority of a conviction of a relevant offence under section 132 of the Licensing Act 2003 ("the Act"). The licensing authority must determine the consideration in accordance with section 132A of the Act, which outlines the circumstances whereby a hearing is required and the options available to the committee when determining the application.
(Appendix 5)

4.2 An appeal may be made to the magistrates' court against the decision of the authority by the responsible authority, interested party or premises licence holder, within 21 days from the date of the appellant being notified by the licensing authority of the decision appealed against under para 17 Part 3 Schedule 5 (5B) of the Act.

4.3 Section 4 of the Licensing Act 2003 provided that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182 (appended hereto).

4.4 The Licensing Authority has been made aware that Daniel Agnew a holder of a Personal Licence issued by Carlisle City Council under the Licensing Act 2003 has recently been convicted of offences contrary to The Road Traffic Act 1988. This is a Relevant Offences under the Licensing Act 2003. Mr Agnew was notified to return his personal licence to the Licensing Authority within 14 days in order the conviction be endorsed on the licence.

4.5 The consideration to suspend or revoke 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

5.1 The Licensing authority must, having regard to any relevant representations, take such steps it considers necessary for the promotion of the licensing objectives.

5.2 It is therefore recommended that the Sub-Committee determines the consideration in accordance with one of the following options:

- Take no action.
- Suspend the licence for a period not exceeding 6 months.

- Revoke the licence.
- 5.3 If the decision made is to take no action, or suspend the personal licence, the officer must then notify the chief of police of the decision and give them 14 days to make any comments.
- 5.4 Members are reminded they must give written reasons for their decision.

Contact Officer: Nicola Edwards
Licensing Manager

**Appendices
attached to report:**

1. Personal Licence PA1953 – Daniel G.D.P. Agnew
2. Letter to Mr Agnew dated 4th August 2022
3. Letter to Mr Agnew dated 9th August 2022
4. Representation by Mr Agnew
5. Licensing Act Section 132 A & Section 182 Guidance para 4.45 – 4.51

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:

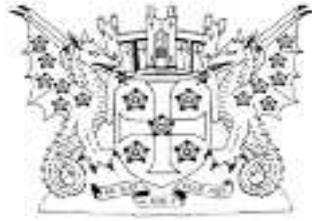
CORPORATE IMPLICATIONS:

LEGAL – By determining the application in accordance with the relevant sections of the Act and the statement of licensing policy and guidance offered by the Secretary of State the licensing authority is ensuring that all of the licensing objectives are considered fully.

FINANCE – none

EQUALITY – none

INFORMATION GOVERNANCE – none



City of Carlisle

(A Licensing Authority under Part 2 of the Licensing Act 2003)

Personal Licence

PA1953

Licence Commences:

12 November 2019

Licence Holder:

Daniel.G.D.P AGNEW



Carlisle City Council (the Licensing Authority) hereby grant a Personal Licence to the above named, under Part 6 of the Licensing Act 2003. Important notes in relation to this licence are endorsed on the reverse.

Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dated: 12 November 2019



Governance and Regulatory Services

**Corporate Director of Governance and Regulatory Services: M D Lambert
LLB (Hons), MBA**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000

Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817200

Mr D Agnew

Enquiries to: Licensing
Direct Dial: 01228 817523
email: licensing@carlisle.gov.uk

4 August 2022

Dear Mr Agnew

I am writing to inform you that Carlisle City Council has been advised that on 27th August 2021 you were convicted at North & West Cumbria Magistrates Court for the offence under the Road Traffic Act 1988 Section 5 of driving a vehicle with alcohol concentration above the prescribed limit on 17th April 2021. You received a 20-month disqualification and a fine.

This offence is classified as a relevant offence under The Licensing Act 2003 and you are a personal licence holder authorised by Carlisle City Council under that Act.

I therefore inform you that you **must return your Personal Licence PA1953 to Carlisle City Council Licensing Office within 14 days** in order to have the conviction endorsed on the licence and other considerations will be decided upon at that time.

Yours sincerely

Nicola Edwards
Licensing Manager



Mr D Agnew

Enquiries to: Licensing
Direct Dial: 01228 817523
email: licensing@carlisle.gov.uk

9 August 2022

Dear Mr Agnew

Carlisle City Council - Notification of Licensing Authority to consider suspension or revocation of a Personal Licence

Date: 09 August 2022

Personal Licence Holder : Daniel G.D.P Agnew

Licence number: Number: PA1953

In light of a relevant conviction (under Licensing Act 2003) which the Licensing Authority has recently been made aware of and following your failure to present your personal licence to be endorsed within the prescribed time period; the Licensing Authority will now consider whether to suspend or revoke your personal licence.

You are invited to make representations within 28 days from the date of this notice.

Any representations should refer to the following:

:

- The offence itself
- Any decision of the court in relation to your personal licence
- Any other relevant information including information regarding your personal circumstances

A Hearing will be arranged for a Licensing Sub Committee to consider this and you will be notified as to the date of the hearing

Please note your representations must be received by us on or before **6th September 2022**.

If you require any further information please contact a Licensing Officer on 01228 817523.

Yours sincerely

Reference – PA1953 – Mr Daniel G. D. P Agnew

Dear sirs

I have received your letter dated 9th August 2022 regarding the Licensing Authority's decision to consider suspending or revoking my personal licence.

I have been invited to make representation to you within 28 days. Please consider this letter regarding the circumstances around and leading up to the conviction I received.

We took the lease of the bar at 4 Carlyle's Court, Carlisle, CA3 8RY with dreams of starting a new vibrant bar in a lovely part of town, we felt that it would complement what was already in the Courtyard at that time. On 5th March 2020 we opened the doors, by 18th March (13 days later) we had no option but to close due to the Coronavirus outbreak. We could not reopen until 5th July 2020 due government orders, nearly 4 months later. During this time I personally suffered huge emotional stress and financial hardship. The landlords gave us no support whatsoever in terms of financial support for lease payments and whilst we eventually received the government grants this did not come close to covering the what needed to be paid and left us in rent arrears. As you will be aware this was not the first time that we were closed by the Government and the debts mounted and financial issues continued to take their toll on my mental health.

We employed a bar manager who was recommended to us, it became very clear that this person had little to no bar management experience and was unable to fulfil the role. This relationship did not end well as this person was not willing to learn or take the bar in the direction we wanted it to go and this led to us being without a bar manager. We recruited staff and unfortunately due partly to our own inexperience in running a bar (in hindsight) there were numerous issues with members of staff including theft from us and this led to a high turnover of staff and a lack of leadership.

Given Ben's well documented issues with his mental health and my own growing emotional issues it was difficult to manage at that time.

In September 2020 further restrictions came into place enforcing us to close at 10pm and a rule of six. Bookings had been introduced and this had a massive impact as people stopped going out either choosing to stay at home or due to being fearful of catching COVID being amongst others so takings were significantly down, we were losing more than we were making.

Another blow was dealt when the government ordered us to close our doors again on 5th November 2020. We had spent money that we didn't have to get the bar ready for the Christmas party rush and all of the time we were trying to battle the debts that had already mounted during the first lockdown. The pressure was immense. We tried to think outside the box and offer a delivery service only for this to be halted when we were prevented from delivering alcohol without food. The plan was always to start offering food but we just didn't have the chance or the money to be able to put a kitchen in or consider being able to employ a chef. That lockdown they said would be

for 4 weeks. Due to staffing issues, COVID, finances and a further lockdown being imposed in January 2021. We could not re-open until 6th May 2021. Six months later.

In the midst of all this we had the initial bar manager making unsubstantiated complaints about us and this was solely down to her bad blood that we were forced to sack her for poor performance. This person is coincidentally connected to the hairdressers opposite us, who are not open at night. We spoke to all of our neighbours and not one had any issues with us. Not one formal complaint was made to the Police about the bar. However, what then happened was constant nit picking by your department (Nicola Edwards) about 'issues' at the bar, meetings were held at which we were made to feel intimidated and stupid. At no time did anyone acknowledge the stress that we had been all put under or any sort of support or help offered to support a fledgling business.

During all of this my long term relationship broke down, I lost two family members within 2 weeks of each other and my whole family was broken. I will be honest I started drinking more than I would as I just couldn't deal with my thoughts and feelings and was trying to bury my head in the sand about my family hurting, finances, the possibility of losing everything I have worked so hard to build up, my house, my two other businesses were also struggling and the failure of my relationship. I made a huge mistake one night in driving when I had too much to drink. I was convicted of this in August 2021.

Then on the 18th September 2021 a young man lost his life in the Courtyard, on a busy Saturday night. I cannot even start to describe how distraught and traumatised we and everyone was in the aftermath of this. I am not going to go into too much more detail about this as the people that have been most affected by this are the man's family and out of respect I don't feel it is right to carry on with how it affected my mind frame or the bar as it wouldn't be right. Other than to say this that needs to be acknowledged by your department and the Police....*What happened that night had nothing whatsoever to do with the bar, it could have happened at any place at any time but we were made to feel by yourselves and the Police that because it happened outside of the bar then we were in part to blame and this was soul destroying.* We closed again and didn't know how to go forwards.

We decided to re-open after a period of time had passed. We employed another bar manager and for a while things were starting to pick up, we were making more bookings, planning guest singers to come in and planning to install a kitchen only to find out that person had been stealing from us, that person was fired with immediate effect, leaving us in a very hard situation again. However, we pushed on and employed another bar manager. This man has proved to be fantastic. We got staff recruited, with his support and experience the bar was starting to go in the direction we wanted it to and attracting different people. We took the decision that to install a kitchen would really help the bar and so we did. Almost the moment after it was installed the landlords came and changed the locks with no notice. Their unprofessionalness and uncaring attitude has been second to none.

We will continue to fight this but in the mean time we have the opportunity to take on No 15 Gin bar in Carlisle. We were very happy about this and excited to have another opportunity to build a new bar but armed this time with an amazing bar manager and more knowledge so that we could avoid the pitfalls and the mistakes that we made with MAMOA. Only to receive a letter that could potentially remove my personal alcohol licence from me due to my conviction. I have completed extensive work around the actions that I took that day and have completed a course. I have enclosed a copy of this. I do recognise what I did on that day was wrong and that things for me had spiralled out of control for me leading up to the conviction and I made significant changes from that day forward.

In regards of not notifying your office, I acknowledge that I should have done this, and I suppose initially I wasn't in the right place of thinking about anything or doing any of the things I needed to deal with and as the time passed and things started to get better I was worried that if I did, given our previous dealings with Nicola she would automatically remove my licence and the difficult times would return financially as MAMOA would have been closed down, just as things were looking up.

I am sorry for this but I can't change it. I would just ask that you take the time to read this letter and have compassion and understanding for how difficult a two years it has been.

Your sincerely

Mr Daniel Agnew



Road Traffic Offenders Act 1988 Courses for Drink-Drive Offenders

Certificate of Completion

This certificate is issued under section 34B(1) of the Road Traffic Offenders Act 1988

Details of Participant in Scheme

Name

Date of Birth

Address

Gender

M

F

Details of Sentencing Court

Name of Court

Address

CARLISLE MAGISTRATES COURT,
RICKERGATE, CARLISLE, CUMBRIA, CA3
8QH

Case Number

Details of Approved Course

Date on which sentence was passed

Date by which course must be completed

Name of approved course provider

Contact telephone number

Certification

The Person named above has successfully completed the approved course

Signed by, or on behalf of, approved course provider

Print name

Date

Licensing authority powers to revoke or suspend personal licences

- 4.45 The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017. The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence Revised Guidance issued under section 182 of the Licensing Act 2003 I 29 must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.
- 4.46 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 4.47 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances. The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant. The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.

- 4.48 If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority. Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence. Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence. Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way. 30 | Revised Guidance issued under section 182 of the Licensing Act 2003
- 4.49 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.
- 4.50 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions. The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions. The licensing authority may invite the premises licence holder to make representations about the personal licence holder before deciding whether to revoke or suspend the licence; this is not a legal requirement and may not be appropriate in all circumstances.

Relevant offences

- 4.51 Relevant offences are set out in Schedule 4 to the 2003 Act. If a person has been required to pay a civil penalty for immigration matters on or after 6 April 2017, this may be taken into consideration in the same way as a relevant offence. Offences added to the list of relevant offences with effect from 6 April 2017 may only be taken into consideration if the conviction was received on or after 6 April 2017.



Licensing Act 2003

2003 CHAPTER 17

PART 6

PERSONAL LICENCES

Conviction of licence holder for relevant offence

132 Licence holder's duty to notify licensing authority of convictions [F1 etc]

- (1) Subsection (2) applies where the holder of a personal licence—
- (a) is convicted of a relevant offence, in a case where section 131(1) does not apply, or
 - (b) is convicted of a foreign offence.
- (2) The holder must—
- (a) as soon as reasonably practicable after the conviction, give the relevant licensing authority a notice containing details of the nature and date of the conviction, and any sentence imposed on him in respect of it, and
 - (b) as soon as reasonably practicable after the determination of any appeal against the conviction or sentence, or of any reference under section 36 of the Criminal Justice Act 1988 (c. 33) in respect of the case, give the relevant licensing authority a notice containing details of the determination.

[F2(2A) Subsection (2B) applies where the holder of a personal licence is required to pay an immigration penalty.

(2B) The holder must, as soon as reasonably practicable after being required to pay the penalty, give the relevant licensing authority a notice containing details of the penalty, including the date of the notice by which the penalty was imposed.]

(3) A notice under subsection (2) [F3 or (2B)] must be accompanied by the personal licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.

Changes to legislation: Licensing Act 2003, Section 132 is up to date with all changes known to be in force on or before 24 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Textual Amendments

- F1** Word in s. 132 heading inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 20(2)**; S.I. 2017/380, reg. 2(b)
- F2** S. 132(2A)(2B) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 20(3)**; S.I. 2017/380, reg. 2(b)
- F3** Words in s. 132(3) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 20(4)**; S.I. 2017/380, reg. 2(b)

Changes to legislation:

Licensing Act 2003, Section 132 is up to date with all changes known to be in force on or before 24 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)