



Minutes of the Licensing Sub-Committee

21 April 2016

-: Present :-

Councillors Manning (up to and including minute 47), Stocks, Thomas (D) and King

45. Election of Chairman/woman

Councillor Thomas (D) was elected as Chairman for the meeting.

46. Minutes

The Minutes of the meeting of the Sub-Committee held on 24 March 2016 were deferred until a future meeting.

47. Declarations of interests

Prior to consideration of Minute 48 Councillor Manning declared a pecuniary interest and left the meeting. In order for the meeting to be quorate, Councillor King took the place of Councillor Manning. The meeting was subsequently adjourned until 10 am to allow Councillor King time to read the papers for the meeting.

48. Application for a Variation to a Premises Licence in respect of the Bolton Hotel, New Road, Brixham

Members considered a report on an application for a Variation to a Premises Licence in respect of the Bolton Hotel, New Road, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Police	Letter of representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Crime and Disorder', 'The Protection of Children from Harm' and 'The Prevention of Public Nuisance'.	24 March 2016

Public Protection	Letter of representation objecting to the application on the grounds of the Licensing Objectives 'The Prevention of Public Nuisance'.	7 March 2016
Member of the Public	Letter of representation objecting to the application on the grounds of the Licensing Objectives 'Public Safety' and 'The Prevention of Crime and Disorder'.	16 March 2016
Member of the Public	Letter of representation objecting to the application on the grounds of the Licensing Objective 'The Prevention of Public Nuisance'.	21 March 2016
Member of the Public	Letter of representation objecting to the application on the grounds of the Licensing Objective 'The Prevention of Public Nuisance'.	5 March 2016

Additional Information:

Following the publication of the submitted report the Police Representative and Applicant's Legal Representative both submitted additional information which was considered by Members of the Sub-Committee.

The Chairman had received a request from the Police Representative to allow 15 minutes for Oral Representations, the Applicant's Legal Representative requested this be extended further to 30 minutes. The Chairman permitted the extension of time for Oral Representations to 30 minutes and advised that the same would be permitted to each party.

Oral Representations received from:

Name	Details
Applicant's Legal Representative	The Applicant's Legal Representative outlined the application and responded to Members questions.
Police Representative	The Police Representative outlined their objection to the application and responded to Members questions.
Public Protection Officer	The Public Protection Officer outlined their objection to the application and responded to Members questions.
Member of the Public	A member of the public outlined their objection to the application.

Decision:

That the application for a Variation to a Premises Licence in respect of the Bolton Hotel, New Road, Brixham be refused.

Reason for Decision:

Members carefully considered all the oral and written representations and unanimously resolved the following:

Punch Taverns have been the Premises Licence Holder of the Bolton Hotel for the last 16 years; therefore the history of the premises as well as that under the current Designated Premises Supervisor is a relevant consideration, especially given the number of Designated Premises Supervisors at this premise to date. In determining this and taking in to account the submissions of the Applicant's Legal Representative and that of the Responsible Authorities that this is a premise with a chequered history, Members could not be satisfied that if this application was granted as applied for that the Licensing Objectives would not be undermined.

Whilst it was submitted that Punch Taverns take their responsibility seriously, Members were alarmed to hear their lack of any real involvement or consideration of the Licensing Objectives in submitting this application. Instead it appeared to Members that they did no more than instruct the Legal Representative and receive from them and forward to their management company an acknowledgement of the application being submitted. The merits and/or negative impact of the application had not evidently been considered by them; in fact they had left it to the Legal Representatives colleague who had completed the application with errors and without any consultation with the Responsible Authorities, as prescribed in the Council's Licensing Policy. This demonstrated to Members a lack of ownership or responsibility by the Premises Licence Holder to ensure that the Licensing Objectives would be upheld and therefore they could not be assured, given the history of these premises and the granting of such a license in predominantly residential area, would not have a negative impact on those residents.

In considering the submissions by the Applicant and their Legal Representative that the current conditions were sufficient to cover the additional hours being applied for, showed in Members minds little regard for upholding the Licensing Objectives. In determining this, Members were mindful that the measures in place to promote the Licensing Objectives at a premise which is situated in a predominantly residential area between 10 am and midnight are considerably different to that required of the same premise operating between the hours of midnight and 3 am. In consideration of this point, Members had regard to the Council's Licensing Policy where an Applicant does not sufficiently demonstrate how they will protect residential premises in close proximity to their premises.

Members noted and commend the efforts made by the current Designated Premises Supervisor to turn the premises around but with no understandable certainty of him remaining at the premises, given his three placements in a short period of time and the practice of the current management company to promote and move such managers around other of their premises, Members could not be assured that if granted the premises would not return to its chequered past with the addition of it now being a premises with a 3 am licence with conditions which did not sufficiently reflect that required of such an operation.

Whilst Members were encouraged by the submissions of the Applicant's Legal Representative in that conditions and policies could be put in place, Members were unable to determine the sufficiency of these, as they were not submitted with this application.

Members had regard to the submissions of the Responsible Authorities but where these lacked clear evidence, Members gave them no weight when coming to their decision.

In concluding, Members considered whether the application could be granted with additional conditions but given the lack of detail in the application and any consultation by the Applicant with the Responsible Authorities, they resolved that they were left with no choice but to refuse the application submitted.

Chairman/woman