



Minutes of the Licensing Sub-Committee

14 February 2019

-: Present :-

Councillors Lewis (B), Thomas (J) and Pentney

43. Election of Chairman/woman

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

44. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Pentney instead of Councillor Thomas (D).

45. Licensing Act 2003 – An application for a Review of a Premises Licence for Bolton Hotel, New Road, Brixham TQ5 8LT

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

Written Representations received from:

Name	Details	Date of Representation
Police	Application for a Review of a Premises Licence.	Received on 20 December 2018
Police	Additional information in respect of the application for a Review of a Premises Licence.	11 February 2019
Respondent	Information from the Respondents Solicitor.	11 February 2019

Oral Representations received from:

Name	Details
Police	The Police Licensing Officer outlined their application for Review, proposed conditions should the Licence be modified and responded to Members questions.
Respondent	The Respondents Solicitor outlined their response to the application for a Review of the Premises Licence and responded to Members questions.

Decision

That the premises licence in respect of Bolton Hotel, New Road, Brixham be modified with the conditions proposed by the Police and as agreed by the Respondent; and that condition 8b set out on page 149 of the submitted report be amended to read as follows:

Substantial food in the form of table meals shall be available throughout the Premises from the time of opening until 9 pm 7 days a week.

Reasons for Decision

Having carefully considered all the written and oral representation, Members resolved to modify the premises licence, as they were satisfied on the evidence before them that such modification would alleviate the concerns raised by the Police and in turn, seek to ensure that the premises future operation would promote the Licensing Objectives.

In addition and a significant factor in Members determination to modify the premises licence, as opposed to a suspension or revocation was the premises change of business model and the joint partnership arrangement between Punch Taverns and Mr Simpson. Members noted that this was a significant departure from the previous tenanted arrangement experienced at these premises and in Members opinion, was a primary contributing factor which ultimately led to the Police calling the Review.

On the basis of not having any evidence to the contrary to doubt Mr Simpson's ability to provide strong management and leadership at these premises, Members considered modification of the licence to be a reasonable and proportionate response on the evidence presented to them.

Members were however apprehensive about Punch Taverns ongoing involvement with these premises, given their apparent lack of involvement prior to the application for Review being submitted. Despite Punch Taverns being the Premises Licence Holder, they appeared to have merely performed an administrative function when considering whether tenants were suitable. Leading to frequent changes in Designated Premises Supervisors and a catalogue of incidents of crime and disorder over the years which had not been robustly dealt with, circumstances that demonstrated in Members opinion, that Punch Taverns had not, at times acted as a responsible Premises Licence Holder. However given the joint partnership arrangement with Mr Simpson, Members were marginally reassured that Punch Taverns involvement would increase, ensuring their active contribution to the promotion of the Licensing Objectives.

Should issues arise as a result of modifying this premises licence, Members noted that a further Review of the premises licence is available.