

**MINUTES OF: LICENSING SUB-COMMITTEE
HEARING UNDER THE LICENSING ACT 2003**

DATE OF MEETING: 21st October 2008

**PRESENT: Councillor Cheetham (Chairman)
Councillors Morris (substituting for Councillor
Eaton) and Unsworth**

**IN ATTENDANCE: Ms C Birtwistle, Principal Legal Officer (Legal Advisor)
Miss S Blackwell, Trainee Solicitor (Legal Officer)
Mrs Tracy Brzozowski, Licensing Manager
(Licensing Officer)
Miss S Chadwick, Licensing Administration
Officer (Licensing Officer)
Mrs H Moore, Committee and Member Services
Manager (Hearing Administrator)
Miss E Aceret, Committee Officer (Hearing Administrator)**

**ALSO PRESENT: Ms HJM, Proposed Designated Premises Supervisor
Mr C Fairbrother, Applicant's Representative
Mr R Fisher, Administration Manager, Merrie Men
Inns
Mr G Jones, Walkers Solicitors
PC C Storey, Lancashire Constabulary
PC M Driver, Lancashire Constabulary
PC A Downham, Lancashire Constabulary
PCSO S Taylor, Lancashire Constabulary**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Councillor Morris was substituting for Councillor Eaton.

2. CHAIRMAN'S INTRODUCTION

The Chairman welcomed all parties to the meeting and asked the members of the Sub-Committee and Officers to introduce themselves.

The Chairman asked the Applicant, Applicant's representatives and members of the Lancashire Constabulary to introduce themselves.

3. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

4. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the meeting during consideration of the application as it involves disclosure of exempt information relating to an individual or information which is likely to reveal the identity of an individual as defined in Paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972.

5. APPLICATION FOR A VARIATION OF DESIGNATED PREMISES SUPERVISOR AT: THE WATERLOO, ROCHDALE ROAD, BACUP

It was confirmed that there were no parties wishing to withdraw their representations.

5. REPORT OF THE LICENSING OFFICER

The Licensing Officer advised that all parties had been served with statutory notices prior to the hearing.

The Licensing Officer explained that the application was one to vary the Designated Premises Supervisor (DPS) in respect of a premises licence and was made by Merrie Men Inns as the licence holder. The application proposed Ms HJM as the DPS.

6. HEARING PROCESS

At the hearing, the Licensing Officer's report was presented and representations were made to the Sub-Committee by the Applicant's Representative, the Applicant, the Proposed DPS and Lancashire Constabulary.

7. DETERMINATION

Following representations made by all parties, the Sub-Committee Members, Legal Advisors and Hearing Administrators retired to give consideration to the application and representations made in respect thereof.

RESOLVED:

In reaching its decision, the Sub-Committee considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder and the Guidance issued by the Secretary of State under S182 of the Act. In discharging its functions, the Sub-Committee had done so with a view to promoting the licensing objective of the prevention of crime and disorder.

Having considered all the evidence put before them, the Sub-Committee decided to **refuse** the variation of Designated Premises Supervisor on the Premises Licence under the Licensing Act 2003 in respect of the

WATERLOO PUBLIC HOUSE, ROCHDALE ROAD, BACUP OL13 9NN.

The Sub-Committee's decision was based on the issues raised concerning the Crime and Disorder objective which they considered would be undermined if the variation was granted.

In reaching their decision to refuse the application for variation of Designated Premises Supervisor, the Sub-Committee considered:

- Evidence of current and former known associates who had come to the attention of the Police over a period of time.
- Although the Sub-Committee duly noted that the proposed Designated Premises Supervisor had never been charged with any offence, Ms HJM had been implicated on a number of occasions.
- The Waterloo Public House, Bacup has had a reputation and evidence of disorder.

The Chair reported that if the Applicant or person making representations was aggrieved by the Council's decision, they may appeal to the Magistrates Court. Such an appeal may be brought within 21 days of receipt of the Notice of Decision.

The meeting commenced at 5:30pm and closed at 7:45pm