

Minutes of Licensing Sub-Committee

Meeting Date: Friday, 15 November 2019, starting at 10am
Present: Councillor G Mirfin (Chairman)

Councillors:

A Knox
N Walsh

In attendance: Solicitor (RVBC), Administration and Licensing (Alcohol and Entertainment) Officer (RVBC), (for agenda item 4) Committee Clerk (RVBC) and Taxi Enforcement Officer (RVBC), for agenda item 5).

In attendance for agenda item 4: Diane Maria Despard (applicant), Julie Rainford (premises owner), Mike Barton (relevant representation), P Bibby (relevant representation), Elizabeth Bibby (relevant representation), Councillor Judith Clark (relevant representation), John Coar, Hazel Hargreaves (relevant representation), John Houghton (relevant representation), Michael Johnson (relevant representation), Y Johnson (relevant representation), Lisa Kiernan (relevant representation), H Knight (relevant representation), GP Nelson (relevant representation), Diane Robinson, Rob Smith (relevant representation), D Tennant (relevant representation), D Walmsley (relevant representation) and M Wilkinson (relevant representation).

In attendance for agenda item 5: the licence holder and Duncan Nightingale (licence holder's solicitor).

381 APOLOGIES

There were no apologies for absence from the meeting.

382 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

383 LICENSING HEARING – PREMISES LICENCE

The Head of Legal and Democratic Services submitted a report to advise the Sub-Committee on the determination of an application required under section 18 of the Licensing Act 2003. Diane Maria Despard had made an application for a Premises Licence to be granted for DMD Design and The Gin and Tea Lounge, 1 Lower Lane, Longridge, Preston PR3 3SL.

The Solicitor explained the basis of the meeting and noted the objectives of the licensing regime. The Solicitor further explained that objections received regarding the failure to include the hours requested on notices could not be considered as there was no requirement for this. The playing of recorded or amplified music during the hours requested was not a licensable activity and failure to specify this in the press notice did not render it inadequate.

The applicant and premises owner made verbal representations to the Sub-Committee setting out the background to the current application. They stated that

the requested hours for licensable activity in the application did not correspond to the intended opening hours of the business but that these hours had been requested so as to allow for one off events. It was anticipated that there would be more such events than the maximum 15 allowed in any calendar year via Temporary Event Notices for the premises.

The Sub-Committee had received written representations that related to the prevention of crime and disorder, public safety and public nuisance. These were taken into account by the Sub-Committee.

Members of the public who had made relevant representation also made verbal objection to the Sub-Committee relating to prevention of crime and disorder, public safety and public nuisance. These were taken into account by the Sub-Committee

The Sub-Committee gave careful consideration to the representations made by all parties. The Sub-Committee also considered the requirements of the Licensing Act 2003, guidance issued under Section 182 of the Act, the licensing objectives, the relevant regulations and the Council's Licensing Policy.

RESOLVED: That the Sub-Committee refuse the application.

The Sub-Committee decision is available at: [\[link\]](#)

384 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the fact that the following item of business be Exempt Information under Category 1 of Schedule 12A of the Local Government Act 1972, the press and public be now excluded from the meeting.

385 LICENSING HEARING – TAXIS

The Council had received a complaint in relation to a hackney carriage driver. The Purpose of this Sub-Committee was to decide whether the driver was a fit and proper person to continue to hold a licence.

The Solicitor explained the background, the report and detailed the range of sanctions available to the Sub-Committee. Dash camera footage was shown to those present. The Solicitor further noted that the account of the complainant who had recorded the footage was included in Appendix 1 of the report.

The licence holder's solicitor made verbal representation on behalf of the licence holder detailing the events in question. The Sub-Committee asked various questions of the licence holder and his representative.

The Sub-Committee considered all the circumstances, including the detail of the complainant, the dash camera footage and the representations by the licence holder and his solicitor, and determined the licence holder was a fit and proper person to hold a licence. The Sub-Committee had concern about the behaviour shown in the dash camera footage and therefore imposed 3 points on the licence holder's hackney carriage drivers licence under the Council's infringement scheme.

RESOLVED: That the Sub-Committee:

1. determine the licence holder a fit and proper person to hold a licence; and
2. impose 3 points on the licence holder's hackney carriage drivers licence under the Council's Infringement Scheme for failing to behave in a civil manner.

The meeting closed at 1.05pm.

If you have any queries on these minutes please contact Stephen Barker (413216).