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| **REPORT TO** | **ON** |
| **Licensing Panel** | **5 September 2018** |
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| **TITLE** | **REPORT OF** |
| Application for the variation of the Designated Premises Supervisor relating to the premises Ye Old Hob Inn , Bamber Bridge  | Head of Licensing |

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| Is this report confidential? | **No** |

1. **PURPOSE OF THE REPORT**

To provide an overview of the application and inform Members of the relevant parts of statute and guidance relating to this application

**2 CORPORATE PRIORITIES**

The report relates to the following corporate priorities:

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| --- | --- |
| Excellence and Financial Sustainability |  |
| Health and Wellbeing | x |
| Place | x |

Projects relating to People in the Corporate Plan:

|  |  |
| --- | --- |
| People  |  |

**3. RECOMMENDATIONS**

Members are requested to:

3.1 Note the content of the report; and

3.2 Determine whether to grant or reject the application. If members grant the application, they are asked to consider whether any additional conditions or restrictions should apply (taking into account any representations that have been made). Any decision made can only apply to the parts of the licence that are seeking to be varied.

**4. BACKGROUND TO THE REPORT**

4.1 An application was submitted under section 37 of the Licensing Act 2003 on 26th July 2018 by KSA Management Services for the variation of the Designated Premises Supervisor relating to the premises Ye Old Hob Inn, 8-9 Church Road, Bamber Bridge, Preston, PR5 6EP(please see Appendix 1)

4.2 The Applicant seeks permission to install Mr. Stuart Daniel Grisedale as the Designated Premises Supervisor. The application was made with immediate effect taking place from the date the application had been served on the local authority. There has been one representation received by the police in respect of the application (please see Appendix 2).

**E+W**

**5. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES**

5.1. The police have concerns due to the applicant currently holding the DPS position at the Black Horse in Hoghton.

The Black Horse has suffered from a number of incidents including five assaults over the past 18 months and the Police believe that should the DPS try to manage more than one premises, both premises will see an increase in the number of incidents both at the pubs and in their immediate vicinities.

5.2 The representation relates to crime and disorder one of the four Licensing Objectives.

**6. DECISION TO BE MADE BY THE LICENSING ACT PANEL**

 **Determination of an application under Section 34 of the Licensing Act 2003**

**6.1** Where relevant representations are made, the Authority must hold a hearing to consider representations, unless the authority, the applicant and each person who has made representations agrees that a hearing is unnecessary.

**6.2** There are numerous areas of the Section 182 guidance that need to be considered. These include;

*Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority’s interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible* *authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

*The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.*

*Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.*

*The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.*

**6.3** Panel members are requested to consider the evidence and to determine whether or not the application should be granted or rejected.

**6.4** The panel must have regard to:

1. Its own policy; and
2. The relevant statutory provisions and
3. Secretary of State Guidance (section 182 of the Licensing Act 2003).

**7. Financial implications**

There are no financial implications as a result of this report.

**8. LEGAL IMPLICATIONS**

**8.1** The relevant statutory provisions governing this application are set out in section 37 of the Licensing Act 2003. Such an application must be served on the Police. This has happened in this instance and the police have chosen to make representations. In assessing this application the Panel must concentrate solely on the issue of crime and disorder. Whatever decision is reached full reasons for it must be given and either party has a right of appeal to the Magistrates court.

**9. COMMENTS OF THE STATUTORY FINANCE OFFICER**

There are no financial implications as a result of this report.

**10. COMMENTS OF THE MONITORING OFFICER**

Please refer to the comments at 8.1.

**11. OTHER IMPLICATIONS:**

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| * **HR & Organisational Development**
* **ICT / Technology**
* **Property & Asset Management**
* **Risk**
* **Equality & Diversity**
 | NoneNoneNoneNone |

**12. APPENDICES**

 Appendix 1 – Application form

 Appendix 2 – Written representation from the Police.

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| Report Author: | Telephone: | Date: |
| Chris Ward  | 01772 625330 | 20/08/2018 |