

MINUTES OF LICENSING PANEL MEETING - FRIDAY, 21 NOVEMBER 2014

Present:

Councillor Hutton (in the Chair)

Councillors

Green O'Hara

In Attendance:

Sharon Davies, Head of Licensing Service

Bernadette Jarvis, Democratic Services Senior Adviser

1 APPOINTMENT OF CHAIRMAN

Resolved: That Councillor Hutton be appointed Chairman for the meeting.

2 DECLARATIONS OF INTEREST

Councillor Green declared a personal interest, the nature of the interest being that PC Evans was a personal friend of his daughter.

3 PROCEDURE FOR THE MEETING

The Chairman outlined the procedure for the meeting. The Panel had noted that, in addition to the application to review the Premises Licence for Tangerine Tavern, an application to vary the Designated Premises Supervisor to Mr Philip Beckett and a further application to transfer the Premises Licence to N&P Pubs Ltd had been received. The Chairman explained that as the three applications were inextricably linked and as agreed by all parties, the intention was to deal with all three applications simultaneously.

The Chairman announced that, having considered the written representations, the decision of the Panel was to permit both parties a maximum of 30 minutes to speak at the hearing.

4 APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE- TANGERINE TAVERN

The Panel considered the application to transfer the Premises Licence for Tangerine Tavern to N&P Pubs Ltd.

The Panel noted that Mr Flynn, a previous Director of N&P Pubs Ltd, had been the Designated Premises Supervisor for Tangerine Tavern at the time of the recent incident that had resulted in the application to review the premises licence. Mr Flynn had also been involved in the running of the premises when it had previously been reviewed in July 2013 following suspected breaches of the Licensing Act 2003 and apparent

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undermining of the Licensing Objectives relating to Prevention of Crime and Disorder and the Protection of Children from Harm, at which time it was considered appropriate to attach additional conditions to the Premises Licence. The Panel also noted that Mr Flynn had been prosecuted under the Licensing Act 2003 and the Court had forfeited his personal licence.

The Panel considered representations from Mr Williams, Solicitor representing Lancashire Constabulary and noted the Police's concerns relating to the recent resignation of Mr Flynn as Director of N&P Pubs and a lack of evidence to demonstrate that Mr Flynn was no longer involved in the business. PC Evans and PC Driver were in attendance at the meeting. PC Evans made representations to the Panel.

The Panel also considered representations from Mr Colebourne, Solicitor representing Mr Lowe of N&P Pubs Ltd and Mr Beckett, applicant to vary the Designated Premises Supervisor for Tangerine Tavern. The Panel noted Mr Colebourne's assertions, on behalf of his clients, that Mr Flynn was no longer a Director of N&P Pubs Ltd and that Mr Lowe had sole ownership of the company and as such Mr Flynn would not be involved in the future running of the premises. Mr Lowe, on behalf of the applicant N&P Pubs Ltd and Mr Beckett, applicant to vary the Designated Premises Licence were in attendance at the meeting and made representations to the Panel.

The Panel noted that Tangerine Tavern Ltd, who currently benefited from the Premises Licence, was no longer trading. The Panel also noted that Mr Lowe had been a Director of Tangerine Taverns Ltd along with Mr Flynn and was satisfied that he had some responsibility in the running of the business. The Panel noted the length of time that Mr Flynn and Mr Lowe had been in business together and their continuing other business interests. It also noted the apparent delay between the breakdown in the relationship of Mr Flynn and Mr Lowe and the application to transfer the licence.

The Panel carefully considered all the representations made in writing and at the meeting and had due regard to the Council's Statement of Licensing Policy and Secretary of State's Guidance.

The Panel also considered the applications to review the premises licence and vary the Designated Premises Supervisor in determining the application to transfer the Premises Licence.

The Panel was satisfied that insufficient evidence had been provided to demonstrate that Mr Flynn would no longer be involved in the running of the premises and as such it considered that the Licensing Objective of Prevention of Crime and Disorder would continue to be undermined if the application to transfer the Premises Licence to N&P Pubs Ltd was granted.

Resolved: That the application to transfer the Premises Licence to N&P Pubs Ltd be refused on the grounds that it was necessary and appropriate to promote the Licensing Objective of Prevention of Crime and Disorder.

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Chairman

(The meeting ended 3.40 pm)

Any queries regarding these minutes, please contact:
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