



Licensing Sub-Committee

Minutes of a meeting of the Licensing Sub-Committee held at The Forum, Moat Lane, Towcester, NN12 6AD on Tuesday 19 October 2021 at 10.00 am.

Present: Councillor Andrew Kilbride (Chair)
Councillor Sally Beardsworth
Councillor Mike Warren

Officers: Charlotte Lindop, Licensing Enforcement Officer
Louise Delavaloire, Litigation Paralegal
Richard Woods, Democratic Services Officer

21. Appointment of Chairman for the meeting of the Sub-Committee

The Democratic Services Officer opened the meeting and invited Councillors to appoint a Chair of the Sub-Committee Hearing. It was proposed by Councillor Sally Beardsworth and seconded by Councillor Mike Warren that Councillor Andrew Kilbride be appointed Chair of the Sub-Committee Hearing.

Resolved

- (1) That Councillor Andrew Kilbride be appointed Chair of the Sub-Committee Hearing.

22. Declarations of Interest

There were no declarations of interest.

23. Premises Licence Review Hearing

The Licensing Enforcement Officer presented a report which requested that the Sub-Committee Hearing consider an application from Northamptonshire Police for a review of the Premises Licence for The Crown Hotel, 20 Market Place, Brackley, NN13 7DP.

Resolved

- (1) As set out in the attached determination letter.

24. **Exclusion of Press and Public**

Resolved

- (1) That under Paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press be excluded from the meeting for the following item(s) of business on the grounds that, if the public and press were present, it would be likely that exempt information would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

25. **Exempt Appendices**

The Sub-Committee considered the exempt appendices to the report of the Licensing Enforcement Officer.

The meeting closed at 10.44 am

Chair: _____

Date: _____



M Hayward
Woodfines Solicitors
Silbury Court
352 Silbury Boulevard
Milton Keynes
MK9 2AF
Served via email

Your Ref:
Our Ref: WK/202105554
Ask For: Licensing
Direct Dial: 01327 322278
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Date: 19 October 2021

Dear Mr Hayward

**WEST NORTHAMPTONSHIRE COUNCIL
LICENSING SUB-COMMITTEE
NOTIFICATION OF DETERMINATION**

Application for the review of a Premises Licence in respect of premises known as The Crown Hotel, 20 Market Place, Brackley ("the Premises") under section 51 of the Licensing Act 2003.

Applicant – The Chief Officer of Northamptonshire Police acting as Responsible Authority.

Hearing Date – 19th October 2021.

The Licensing Sub-Committee ("the Sub-Committee") carefully considered the following:

- The written report and appendices prepared by Charlotte Lindop, Licensing Enforcement Officer;
- The application for the review of a premises licence ("the Application") made by the Chief Officer of Northamptonshire Police on the basis of the promotion of the licensing objective of the prevention of crime and disorder;
- The written representations of Woodfines Solicitors on behalf of the Premises License Holder, Colbert Wall Trading Limited;
- The written representations of Shoosmiths Solicitors on behalf of the Designated Premises Supervisor (DPS), Mr Joao Maia e Silva;
- Oral representations opposing the Application made by Ms Morrissey, solicitor for the Designated Supervisor and Mr Hayward, solicitor for the Premises Licence Holder.
- The statutory guidance issued under section 182 of the Licensing Act 2003, particularly paragraphs 11.24 through to 11.28.

The Hearing

Both Ms Morrissey and Mr Hayward made preliminary representations to the panel as to whether it was necessary to proceed with the Hearing, making reference to section 52 of the Licensing Act 2003 and Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005 and the ability to agree to dispense with the hearing on agreement.

The Sub-committee received advice that it is the Licensing Authority's position that there is no provision for the Local Authority to dispense with a Review Hearing. Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005 can only be implemented when there is a provision within the Licensing Act 2003 to dispense with a hearing. That provision does not exist in relation to an application for a Review.

Legal Advice

The Sub-committee received legal advice as follows:

1. Questions of fact are to be determined on the balance of probabilities.
2. The relevant licensing objectives raised in the representations are set out in the report.
3. The South Northants Statement of Licensing Policy 2020 contained no specific provisions in relation to the issues raised in the relevant representations before the Sub-Committee.
4. The options legally available to the Sub-Committee are set out in the report of the Licensing Officer.
5. Any action taken should be appropriate and proportionate and should be the minimum necessary to promote the licensing objectives, taking into account the evidence before the Sub-Committee.
6. The statutory guidance issued under section 182 of the Licensing Act 2003.

Decision and Reasons

The Sub-Committee the following findings of fact on the balance of probabilities.

1. The Applicant did not attend the Hearing in order to support the Review Application
2. The Applicant's letter of 12th October 2021 stated that having assessed the Application the evidence was insufficient to support any issues with the licensing objective of crime and disorder.

As a result, it would not be appropriate or proportionate to take any further action in this matter.

The Applicant, the Premises License Holder or any person that made a relevant representation in respect of this review of a Premises License may appeal against this decision to a Magistrates' Court within 21 days of receipt of a written copy of this decision.

A handwritten signature in black ink, appearing to read 'A. Kilbride', with a long, sweeping horizontal line underneath.

Councillor Andrew Kilbride
Chair of the West Northamptonshire Council Licensing Sub-Committee on 19th
October 2021

Dated 19th October 2021

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