



## LICENSING SUB-COMMITTEE

To: Councillors Pacey, Capleton and Savage  
(Reserve Member – Councillor Parton)  
(for attention)

All other members of the Council  
(for information)

You are requested to attend the meeting of the Licensing Sub-committee to be held in Committee Room 2, the Council Offices, Southfields, Loughborough on Monday, 23rd July 2018 at 1.00pm for the following business.

Chief Executive  
Southfields  
Loughborough

9th July 2018

## AGENDA

1. INTERESTS

Members of the Sub-Committee are asked to confirm that they are not aware of any interests or other reason which might prejudice the ability to hold a fair hearing and make a sound determination of the matters to be considered.

2. INTRODUCTIONS AND PROCEDURE FOR MEETING

The Chair is asked to introduce the various parties and explain the procedure to be followed in conducting the hearing.

3. LOUGHBOROUGH STORE (FORMERLY KNOWN AS BAXTER GATE CONVENIENCE STORE), 51 BAXTER GATE, LOUGHBOROUGH, LEICS LE11 1TH

To consider an application under s42 of the Licensing Act 2003 to transfer the premises licence holder and under s37 of the Licensing Act 2003 to vary the designated premises supervisor for Loughborough Store (formerly known as Baxter Gate Convenience Store), 51 Baxter Gate, Loughborough, Leics LE11 1TH.

Papers in respect of the matter are attached for the Sub-Committee's consideration.

**APPLICATION FOR TRANSFER OF PREMISES LICENCE HOLDER  
(PLH) AND VARIATION OF DESIGNATED PREMISES SUPERVISOR  
(DPS) - LOUGHBOROUGH STORE (FORMERLY KNOWN AS  
BAXTER GATE CONVENIENCE STORE), 51 BAXTER GATE,  
LOUGHBOROUGH, LEICS LE11 1TH**

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**TITLE OF REPORT:** Application for Transfer of Premises Licence Holder (PLH) and Change of Designated Premises Supervisor (DPS) for Loughborough Store (formerly known as Baxter Gate Convenience Store) 51 Baxter Gate Loughborough Leicestershire LE11 1TH

**REPORT OF:** Licensing Manager – Regulatory Services

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## 1. PURPOSE OF THE REPORT

The Sub-Committee is asked to consider an application to Transfer of the Premises Licence Holder (PLH) and Change of Designated Premises Supervisor (DPS) for Loughborough Store (formerly known as Baxter Gate Convenience Store) 51 Baxter Gate Loughborough Leicestershire LE11 1TH. A Representation was received from the Licensing Section at Leicestershire Police and is to be considered with the application.

## 2. BACKGROUND

A Review hearing was held on the 22<sup>nd</sup> February 2018, in respect of the premises formerly known as Baxter Gate Convenience Store, and the Sub Committee decided that the premises licence in respect of the Sale of Alcohol was revoked. The decision notice from the hearing is attached at **Appendix A**. A copy of the revoked premises licence PREM 12449 is attached at **Appendix B**.

The premises had a right of appeal to the Magistrates Court. The Premises appealed to Loughborough Magistrates Court and an initial hearing was held on the 16<sup>th</sup> May 2018. A hearing date was set for the 20<sup>th</sup> July 2018. On the 6<sup>th</sup> June 2018 the Licensing Section discovered that the Limited Company, Baxter Gate Convenience Store Ltd, current holder of the premises licence (**PREM 12449**) had been dissolved on the 15<sup>th</sup> May 2018. A print out from Companies House is attached at **APPENDIX C**.

On the date that the Ltd Company was dissolved, under the Licensing Act 2003 Section 27 (d), the premises licence lapsed (ceased to exist) on the same day;

A premises licence lapses if the holder of the licence –

- (a) Dies
- (b) Becomes a person who lacks capacity (within the meaning of the Mental Capacity Act (2005) to hold the licence
- (c) Becomes insolvent ,or
- (d) Is dissolved** , or
- (e) If it is a club, ceases to be a recognised club.

director of Baxter Gate Convenience Store Ltd was advised on the 7<sup>th</sup> June 2018 that the property was no longer regarded as a licensed premise under

the Licensing Act 2003 and that licensable activity, the sale of alcohol, had to cease immediately. Section 50 of the Licensing Act 2003 provides a process to apply for a transfer of the licence. **Appendix D** shows the relevant sections of the Licensing Act 2003.

### **3. CURRENT APPLICATIONS**

The application for Transfer of the Premises Licence Holder (PLH) and Change of Designated Premises Supervisor (DPS) was submitted on the 11<sup>th</sup> June 2018 and is attached at **Appendix E(1) and E(2)**. Copies of the applications were forwarded by the applicant, to Leicestershire Police.

#### **Representations**

The Licensing Section at Leicestershire Police has made a representation on the grounds of the following licensing objectives:

- The prevention of crime and disorder

Full details of the representation are attached at **Appendix F**.

#### **Parties**

The Parties to the hearing will be:

- a) The Applicant, Loughborough Store Ltd, director
- b) Interested Party, PC 1845 Mike Green, on behalf of the Leicestershire Police.

### **4. FOR CONSIDERATION**

The areas for consideration by the Sub-Committee are:

- The application to Transfer the Premises Licence Holder (PLH).
- The application to Change the Designated Premises Supervisor (DPS)
- The representation made by Leicestershire Police.
- Whether the application should be granted or refused

### **5. POLICY & GUIDANCE**

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Charnwood Council's Licensing Policy, and
- (b) the Amended Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

Relevant parts of the Policy and Amended Guidance are reproduced in **Appendices G & H**. The parties may refer to the Policy and Guidance during the hearing.

### **6. FOR DECISION**

The Sub-Committee is asked to consider the applications and decide whether;

- A) The application to transfer the Premises Licence Holder to Loughborough Store Ltd, Director is granted or refused; and
- B) The application for Supervisor is granted or refused. to be Designated Premises