

**LICENSING SUB-COMMITTEE**

**MEETING HELD AT THE BAR LOUNGE - TOWN HALL, BOOTLE  
ON WEDNESDAY 12TH OCTOBER, 2022**

PRESENT: Councillor Lynne Thompson (in the Chair)  
Councillors O'Brien and Waterfield

**22. APPOINTMENT OF CHAIR**

RESOLVED:

That Councillor Lynne Thompson be appointed as Chair for this meeting of the Sub-Committee.

**23. DECLARATIONS OF INTEREST**

No declarations of any disclosable pecuniary interests or personal interests were received.

**24. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for Agenda Item 4, on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the press and public.

**25. LICENSING ACT, 2003 - TRANSFER OF PREMISES LICENCE - OATH LOUNGE, 211-213 LORD STREET, SOUTHPORT PR8 1PF**

The Sub-Committee considered the report of the Assistant Director of Place (Highways and Public Protection) regarding an application by Oath Capital Limited for the transfer of a Premises Licence in respect of the above premises.

An objection had been received from Merseyside Police and this necessitated a hearing for which the Sub-Committee had been convened.

The Sub-Committee heard representations from Owen Simmons, a director of the Applicant company, in support of the application.

The Sub-Committee also heard representations from Merseyside Police in objection to the application.

At the end of their representations, Mr Simmons, and Merseyside Police, confirmed that they were satisfied they had said all they wished to say.

The Sub-Committee retired under Regulation 14(2) of the Licensing Act (Hearings) Regulations 2005 (as amended) and thereby excluded the press and public whilst they reached their decision on the application. The Sub-Committee returned to give their decision in public.

### Decision

RESOLVED: That

The Application for the Transfer of the Premises licence for Oath Lounge, 211-213 Lord Street, Southport PR8 1PF to Oath Capital Limited be granted.

### **Reasons:**

Per section 42(6) Licensing Act 2003 the Police can object to the transfer of a premises licence to a person if they are satisfied that the exceptional circumstances of the case are such that granting the application would undermine the prevention of crime objective.

Statutory guidance, further clarifies that such objections are expected to be rare and arise because the Police have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime or disorder.

The Sub-Committee has heard from Mr Owen Simmons, a director of the Applicant company, and has considered the written and oral representations of the Police made by a number of officers. Whilst the Sub-Committee accepts that the Police have well founded concerns about the Applicant's knowledge of the licensing trade, the licensing objectives and indeed the specific conditions attached to this premises licence; the Sub-Committee has not heard any evidence that the Applicant, or individuals linked to it are involved in crime and disorder. On the basis of which, the Sub-Committee did not see how it could refuse this transfer without breaching legislation and statutory guidance.

The Sub-Committee was happy to note that during the meeting there appeared to be a working relationship between the Applicant and the Police and that the Police offered to help the Applicant moving forward. The Licensing Sub-Committee hopes that this will continue in the future.

Whilst the Sub-Committee did not feel able in these circumstances to refuse the transfer of this licence, it reminds the Applicant of the importance of upholding the licensing objectives. Whilst it is admirable that the Applicant is attempting to run and build a successful business which benefits the local community; if the Applicant is not familiar with licensing legislation and practice the Sub-Committee recommends that it seeks professional advice and support in this respect, perhaps from a licensing consultant. The Sub-Committee also encourages the Applicant to seek

advice about appropriate working conditions for staff, particularly those under the age of eighteen. Failure to do so could result in the licence being reviewed in the future; and depending on the circumstances of such a review this could result in revocation of the licence.