



FYLDE BOROUGH COUNCIL
Decision Notice

Date	28th August 2008
Applicant	Derby Arms, Station Road, Kirkham
Reason for Hearing	Receipt of an application to vary a Premises Licence to specify an individual as Designated Premises Supervisor at the Derby Arms, Station Road, Kirkham. Relevant representations received from the Police.
Parties in attendance	Panel – Councillors Lyndsay Greening (Convenor), John Davies and Angela Jacques For the applicant: Ford and Warren Solicitors Responsible Authorities: PS W. Giffin

The Licensing Authority has received an application to vary a Premises Licence to specify an individual as Designated Premises Supervisor at Derby Arms, Station Road, Kirkham.

Representations have been received to the application from Lancashire Constabulary who are a Responsible Authority under the Act.

We have heard representations from PS W. Giffin who presented the objections made by Lancashire Constabulary. The police objection is based on the fact that they believe that the exceptional circumstances of this case are such that granting this application would undermine the crime prevention objective.

Mr Singh presented the case on behalf of the applicant, Punch Taverns. His case was that the matters set out in the police's objection did not amount to the exceptional circumstances required by the act for the panel to be able to refuse to vary the licence to name Mr Tattersall as DPS. Mr Tattersall had demonstrated his commitment to the role of DPS by agreeing to undertake the Punch Taverns course for DPSs. He would be running the premises and take his responsibilities as DPS very seriously, according to Mr Singh.

There had been no problems at the Derby Arms since Mr Tattersall had been installed as Designated Premises Supervisor. Mr Singh argued that this was more indicative of the

likely level of problems at the premises than looking at another premises under a different designated premises supervisor.

It was established that Mr Tattersall would be assisted in the premises by his mother, two sisters and one other individual. It was also established that the Derby Arms is a considerably less busy and lively venue when compared to the George and its potential for attracting trouble is therefore less.

We considered that the evidence given by the police about problems at the George under Marilyn Tattersall were relevant to the application by her son to be designated premises supervisor at the Derby Arms, especially as he was associated with her tenure at those premises and she will be associated with his at the Derby Arms. However, we were reassured by the fact that no problems have been experienced at the Derby Arms since Mr Tattersall took over. We also noted that all parties agreed that the Derby Arms was a different kind of premises to the George and that its nature was such that the problems that occurred at the George were much less likely to occur at the Derby Arms.

Sgt Giffin suggested that Wayne Tattersall could effectively be a front for his mother, who would in reality be running the premises. We have been assured by Mr Singh that this is not the case, and we feel we have to accept those assurances.

Considering these matters, we concluded that we were not convinced that exceptional circumstances existed that would justify us refusing this application.

We have therefore decided, taking into account the Information put before us, the Council's Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003 that the application to vary a Premises Licence to specify an individual as Designated Supervisor at the Derby Arms, Station Road, Kirkham be approved.