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## LICENSING & APPEALS SUB-COMMITTEE

Minutes of a Meeting held on Monday 22 July 2019 in the Committee Room, Town Hall, Matlock DE4 3NN at 10:30am

### PRESENT

Councillor Andrew Statham - In the Chair

Councillors Graham Elliott and Joyce Pawley

Eileen Tierney (Licensing Manager), Lee Gardner (Legal Services Manager) and Simon Johnson (Democratic Services Officer)

PC Glenn Holden (Derbyshire Constabulary)

Sergeant Mathew Winterbottom (Derbyshire Constabulary)

Ms Avi Wadhawa (Police Solicitor)

Ms Lisa Clowes (Licensee – The White Swan)

Mr Jake Flanagan (Portcullis Security – Licensing Consultant - Licensee's Representative)

DPS Son

Councillor Mark Wakeman attended as an observer

### 73/19 – ELECTION OF CHAIRMAN

It was moved by Councillor Graham Elliott, seconded by Councillor Joyce Pawley and

**RESOLVED**  
(Unanimously)

That Councillor Andrew Statham be elected as Chairman of the Sub-Committee

### 74/19 – EXCLUSION OF THE PUBLIC AND PRESS

It was moved by Councillor Andrew Statham, seconded by Councillor Joyce Pawley

**RESOLVED**  
(Unanimously)

That in accordance with Section 100(a) of the Local Government Act 1972 the public and press be excluded because it is likely that the nature of the business to be transacted would result in exempt information being disclosed.

At this point the Sub-Committee excluded the public and press because in determining the application, members would need to consider personal information relating to the

applicant.

**75/19 – LICENSING ACT 2003 – SECTION 51(1) REVIEW OF PREMISES LICENCE: THE WHITE SWAN, 15 MARKET PLACE, ASHBOURNE DE6 1EU.**

The Sub-Committee considered an application, made on behalf of the Chief Officer of Police for Derbyshire, for a Review of the Premises Licence held by Lisa Clowes for The White Swan Public House located at 15 Market Place, Ashbourne DE6 1EU.

The Chairman invited the participants to introduce themselves, asked whether any party wished the Committee to consider the application in private and confirmed that the Committee was quorate.

The Licensing Manager gave an outline of the application.

The Committee and the other parties were afforded an opportunity to request clarification of the Licensing Manager's report.

The Police were invited to present their case and show their CCTV / DVD evidence

Mr Luke Clowes gave clarification on a point raised on the CCTV evidence viewed.

The Committee had an opportunity to question Ms Avi Wadhawa and PC Holden. The representative of Ms Lisa Clowes was also afforded the opportunity to request clarification of any points.

Mr Flanagan then presented his case on behalf of Ms Lisa Clowes.

The Committee had an opportunity to question the Ms Clowes and Mr Flanagan.

All parties were afforded an opportunity to request clarification of any point.

In agreement with all parties' additional footage, supported by the WhatsApp platform, was also viewed and considered by the Committee.

The Committee members confirmed that they had sufficient information to make a decision and withdrew into private session to discuss their findings.

**76/19 – DECISION**

The Sub-Committee resumed in private session.

It was moved by Councillor Andrew Statham, seconded by Councillor Joyce Pawley and

**RESOLVED**  
(Unanimously)

We have considered the facts and representations made to the Sub-Committee in relation to the Premises License of the White Swann Public House and resolved

- 1) The Premises License is hereby revoked
- 2) The Personal License is not revoked

### **Reasons for Decision**

The Sub-Committee considered the DPS and Premises Licence holder had lost control of the situation due to poor decision making and thus is not a responsible person to continue to hold a Personal Licence.

Full Decision Notice is attached below.

**Meeting Closed:** 2:10pm