



Agenda

Licensing Sub-Committee
Tuesday, 5 March 2024 at 10.30 am
Flensburg Room - Civic Centre, Carlisle

The press and public are welcome to attend for the consideration of any items which are public.

Enquiries and requests for supporting papers to: Gayle Roach - Democratic Services
Email: gayle.roach@cumberland.gov.uk

Membership

Cllr T Allison
Cllr J Perry
Cllr S Pollen

Access to Information

Agenda and Reports

Copies of the agenda and Part A reports are available for members of the public to inspect prior to the meeting. Copies will also be available at the meeting.

The agenda and Part A reports are also available on the [Cumberland Council website](#).

PART A: ITEMS TO BE CONSIDERED IN PUBLIC

1. Election of Chair

To elect a Chair for the ensuing meeting.

2. Apologies for Absence

To receive any apologies for absence.

3. Declarations of Interest

To receive declarations by Councillors of any disclosable pecuniary interest, personal interests, other registrable interests or any other interests in respect of items on the agenda.

4. Exclusion of the Press and Public

To consider whether the press and public should be excluded from the meeting during consideration of any item on the agenda.

5. Police Objections to Transfer of Premises Licence (Pages 5 - 42)

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Report to Licensing Sub-Committee

Meeting Date – 5th March 2024 Flensburg Room 10:30am

Key Decision – No

Public/Private – Public

Directorate – Public Health and Communities

Lead Officer – Mark Singleton, Licensing Officer

Title – PL437 'Truth' - Unit 7 Englishgate Plaza, Botchergate, Carlisle – **Police
Objections to Transfer of Premises Licence**

Summary:

Cumbria Constabulary have issued an objection notice under the Licensing Act 2003 for the application received by Mr Benjamin Read, to Transfer the Premises Licence for Truth (Nightclub), at the above address in Carlisle.

The notice provides details of the reasons why the Police have objected and options for Members to consider in light of the representation from the Police.

Recommendations:

It is recommended that the Sub Committee determine the matter and either:

- a. Dismiss the Police objection for the Transfer of Licence and grant the application.
- b. Allow the Police objection to the Transfer of Licence and reject the application as made.

The Applicant Mr Read was a Director of 'Truth Enterprizes' (aka Truth Enterprizes) - in whose name, the Premises Licence was revoked at a Licensing Sub Committee held on 17th Jan 2024. The Police will propose that to allow the application will simply re-create the situation which led to the Review of the Licence.

Tracking

Executive:	NA
Scrutiny:	NA
Council:	NA

1. Background

1.1 Truth Enterprizes Ltd – Unit 7 Englishgate Plaza, Botchergate, Carlisle has a Premises Licence **Appendix 1** which authorises opening between 10am and 5am Sunday to Friday. The Licence permits a range of Licensable activities including:

a) Sale of Alcohol – Sunday – Saturday 10am and 4:30am

1.2 In October 2023 – The Police requested a Review of the Licence due to ongoing issues which undermined the Licensing Objectives.

1.3 As a Company - Truth Enterprizes was struck off/dissolved by Company's House on 16th Jan 2024. A new company, B&2 Ltd applied to Transfer PL437 into their name on 12th Jan 2024. The application requested that the Transfer have immediate effect and it was processed that day. **Appendix 2.**

1.4 Searches of Company's House records show that B&2 Ltd has two directors listed – Mr Ben Read and Mr David Thompson. These are the same Directors listed as for Truth Enterprizes – the lapsed company. **Appendix 3 & 3A.**

1.5 On 17th Jan 2024 – Licensing Sub Committee at Carlisle Revoked PL437 after a Review Hearing.

The reasons stated are:

1. The Sub Committee has had regard to the provisions of the Licensing Act, the National Guidance and the Local Licensing Policy and the Licensing Objectives, in particular the prevention of crime and disorder, the Public Safety and the protection of Children from Harm which has led to the decision to revoke the Licence for the promotion of the Licensing Objectives.
2. The Committee has considered other options available to them and they do not consider the removal of the DPS and the proposed new conditions would rectify the problems that are occurring.
3. Having considered the evidence before them, that being , but not limited to a meeting on 21st March 2023 with the DPS and the manager of the premises, Letter dated 23rd March 2023 addressed to the DPS and Licence Holder, letter dated 12th July 2023 addressed to the DPS and Licence holder , shows that other responsible authorities have tried to engage with the management but to no avail or improvement. In line with the guidance, the Local Authority should not merely repeat previous efforts and a warning is inappropriate.

4. Having considered the CCTV transcripts and evidence given by the manager of the premises at today's hearing, it is clear that there has been a complete lack of knowledge or awareness of the licensing objectives and the importance of these when running a licensed premises. It is the licence holder's responsibility to employ staff that adhere to, and promote, the licensing objectives on their behalf.
5. The overriding remaining issue is the management's complete disregard of the licensing objectives, which have continued throughout this process. The Committee consider that the issues are a direct result of poor company practice and policy and solely removing the DPS is an inadequate response to the problems raised by the various representatives.
6. In order to promote the licensing objectives, in particular the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm, the Committee feel the only option for them is to revoke the licence.

1.6 On 9th Feb 24, Director, Mr Read submitted an Application to Transfer the Licence into his own name. **Appendix 4.** (The application was submitted by Kurnia Licensing Consultants acting on behalf of Mr Reed, on the evening of Friday 9th Feb 24 and was received and processed the following Monday 12th Feb 24). This is the matter in hand. The application was accompanied by information that B&2 Ltd was no longer an entity (but did not amount to a formal withdrawal of their application for Transfer).

1.7 Where insolvency has occurred – a Transfer Application preserves the Licence for 28 days.

Following a Revocation – the Premises can remain open pending an appeal to Magistrates. Such an appeal has been lodged by Kurnia on behalf of Mr Read, with North and West Cumbria Magistrates Court – a hearing date has been fixed – 7th Mar 24.

1.8 On 16th Feb 24 a Licensing Subcommittee at Carlisle Supported the Police Objection to Transfer of Licence to B&2 Ltd. The reasons for this decision are attached at **Appendix 5.**

1.9 Where an application for Transfer of Premises Licence (relating to alcohol sales) is received – a copy of the application is provided to the Chief Officer of Police for that area.

1.10 If the Chief Officer of Police is satisfied that there are exceptional circumstances of the case where the granting of the application would undermine the Licensing Objective

– ‘Prevention of Crime and Disorder’ – the Police must give the relevant Licensing Authority a notice within 14 days of their being notified that they intend to object.

2. Notice of Objection

2.1 In this case, such a notice for the application has been received by the Licensing Authority on 16th Feb 24 from Police Licensing Officer acting on behalf of Cumbria Constabulary. **Appendix 6**

2.2 The Police provided information within their Notice of the reasons why it is thought that the granting of the application would seriously undermine the prevention of crime and disorder objective – the basis being that the application is simply a ‘re-branding’ of the lapsed management concern whose failure to address the issues listed has resulted in the recent revocation. I will attach the minutes of the Licensing Sub Committee hearing on 17th Jan 24. **Appendix 7.**

3. Legal Position

3.1 The Licensing Authority (in this case, Cumberland Council) is required to hold a hearing to consider the objection. The Police served Notice of Objection within the fourteen day period. A Hearing must be held unless the Authority, the applicant, Benjamin Read, and the Chief Officer of Police who gave the Notices agree that a Hearing is unnecessary. The Hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

3.2 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations, 2005, the Authority may consider documentary or other information produced by a party in support of their application, representations or notice either before the Hearing or, with the consent of all parties at the Hearing.

3.3 The Panel may accept Hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard themselves but has heard or read about.

3.4 It must be noted that clear reasons should be given for the decisions and an appeal may be made to the Magistrates Court against the decisions of the Authority by the Responsible Authority (in this case the Police), interested party or premises licence holder within 21 days from the date of being notified.

3.5 Section 52(11) of the Act provides that a determination under this Section does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

4. Reasons for Decision/Recommendation

4.1 The Licensing Authority has received objection notice from Cumbria Constabulary in relation to applications to transfer the Premises Licence PL437. They have said that granting the application would seriously undermine the crime prevention objective.

4.2 The application will be determined in accordance with the relevant sections of the Act, the statement of Licensing Policy and guidance offered by the Secretary of State.

5 Recommendation

It is recommended that the Sub-Committee determine the matter and either:

For the Transfer of Premises Licence Application:

- a) Dismiss the objection for the application to Transfer the Premises Licence and grant the application.

- b) Allow the objection to the Transfer of the Premises Licence and reject the application as made.

Contact Officer Mark Singleton ext. 7272

Appendices attached to report:

1. Premises Licence PL437 Truth, Unit 7 Englishgate Plaza, Botchergate, Carlisle
2. Application to Transfer Premises Licence from Truth Enterprizes to B&2 Ltd.
3. Company's House Record – Truth Entertprizes
- 3A. Company's House Record – B&2 Ltd
4. Application from Kurnia for Transfer PL437 to Mr Read.
5. Licensing Sub Committee Rationale – Support of Police Objection to Transfer to B&2 Ltd.
6. Police Objection Notice to Transfer PL437 to Mr Read.
7. Minutes from Revocation Hearing 17th Jan 24 (currently in preparation).

Corporate Implications:

Legal – Contained within the Report.

Finance – Not applicable to this report.

Equality – Not applicable to this report.

Information Governance – No Information Governance Issues identified.

Impact Assessments – Not applicable to this report.

Background papers:

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers: N/A

LOCAL AUTHORITY



Cumberland Council
Civic Centre
Rickergate
Carlisle
Cumbria CA3 8QG

tel: 01228 817523
web: www.cumberland.gov.uk

Part 1 - Premises Details

TRUTH

Unit 7 Englishgate Plaza, Botchergate, Carlisle, Cumbria, CA1 1RP

Telephone 07718 920 140

Not applicable

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE LICENCE AUTHORISES THE CARRYING ON OF THE FOLLOWING ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday to Saturday	10 00am	4:30am
C. Indoor sporting event	Sunday to Saturday	10 00am	4:30am
E. Performance of live music (Indoors)	Sunday to Saturday	10.00am	4:30am
F. Playing of recorded music (Indoors)	Sunday to Saturday	10.00am	4:30am
G. Performance of dance (Indoors)	Sunday to Saturday	10.00am	4:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Saturday	10 00am	4 30am
I. Late night refreshment (Indoors)	Sunday to Saturday	11 00pm	4 30am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Saturday	10 00am	4 30am



Licensing Act 2003
Premises Licence

PL437
Carlisle Area

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES CONTINUED

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	continued		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Friday	10.00am	5:00am

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

J. Supply of alcohol for consumption ON and OFF the premises
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Part 2

NAME, (IF REGISTERED), ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Truth Enterprizes Ltd	Truth, Unit 7 Englishgate Plaza, Carlisle, CA1 1RP Telephone 07772606145
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Mark Charles WINTER	30 - 32 Botchergate, Carlisle, CA1 1QS. Telephone 07388347776
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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Licence No. PA4341	Issued by Wakefield
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ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions are subject to amendment by central government. It is the licence holder's responsibility to ensure that they are up to date with any changes in legislation.

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where Door Supervisors are provided

(Except theatres, cinemas, bingo halls and casinos)

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Act 2001 (PSIA); or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Licensing Act 2003
- (2) But nothing in subsection (1) above requires such a condition to be imposed:
 - (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the PSIA 2001 (premises with premises licences authorising plays or films); or
 - (b) In respect of premises in relation to:
 - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by the club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
 - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act)
- (3) For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purpose of that Act,
 - (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The following conditions shall apply from 28th May 2014

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1 -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979.
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the



WEATHER CONDITIONS

- date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of 14 days beginning on the second day.

The following conditions shall apply from 1st October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carryout, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable



ANNEXES continued

- manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
- (b) an ultraviolet feature.
4. The responsible person must ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The prevention of crime and disorder

- A tamperproof CCTV system will be installed at the premises to the satisfaction of Cumbria Constabulary.
- All Recording will be kept and maintained for 31 days
- All Managers and Supervisors will be trained in the downloading of recordings from the CCTV system
- All staff will assist the police in any enquiries carried out by them at the premises
- Notices will be clearly displayed stating it is unlawful to buy or sell alcohol to persons under 18

Public safety

- A fire risk assessment will be completed to the satisfaction of Cumbria Fire Service
- All fire fighting equipment will be maintained in good working order.
- All fire exits will be kept clear from obstructions at all times.
- All spillages and breakages within the premises will be immediately cleaned and signed by staff.

The prevention of public nuisance

- When regulated entertainment takes place all doors and windows will be kept closed to reduce noise levels.
- No noise nuisance will be caused to neighbouring properties.



ANNEXES CONTINUED

- SIA door supervisors will be provided at the premises on Friday and Saturday nights to such a number as the management of the premises considers sufficient. They will be in position from 2100 hrs until closing time. Door supervisors will also be provided on public/bank holidays and at other time the management believe they are necessary.

The protection of children from harm

- No under 18's will be permitted onto the premises.
- A challenge 21 policy will be operated at the premises for the sale of alcohol.

ANNEX 3 - CONDITIONS AS A RESULT OF A HEARING

Not applicable



Licensing Act 2003

Premises Licence Summary

PL437

Carlisle Area

LOCAL AUTHORITY



Cumberland Council

Civic Centre
Rickergate
Carlisle
Cumbria CA3 8QG

tel: 01228 817523

web: www.cumberland.gov.uk

Premises Details

PORTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

TRUTH

Unit 7 Englishgate Plaza, Botchergate, Carlisle, Cumbria, CA1 1RP

Telephone 07718 920 140

ARE THERE ANY TIME LIMITED PERMITS

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE MAY COVER THE PERMITTED LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday to Saturday	10.00am	4:30am
C. Indoor sporting event	Sunday to Saturday	10.00am	4:30am
E. Performance of live music (Indoors)	Sunday to Saturday	10:00am	4:30am
F. Playing of recorded music (Indoors)	Sunday to Saturday	10.00am	4:30am
G. Performance of dance (Indoors)	Sunday to Saturday	10.00am	4:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Saturday	10.00am	4:30am
I. Late night refreshment (Indoors)	Sunday to Saturday	11.00pm	4:30am



Premises Licence Summary

Carlisle Area

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES (continued)

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors) continued .			
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Saturday	10:00am	4:30am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Friday	10:00am	5:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Truth Enterprizes Ltd
Truth, Unit 7 Englishgate Plaza, Carlisle, CA1 1RP.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mark Charles WINTER

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No adult entertainment



Application to transfer premises licence to be granted under the Licensing Act 2003

I/We B&2 Limited

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PL437

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Truth Unit 7 Englishgate Piazza Botchergate	
Post town CARLISLE	Post code CA1 1RP
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1)

An existing licenced premises

Name of current premises licence holder

Truth Enterprizes Ltd

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)

h) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)

i) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

Date of birth I am 18 years old or over

Nationality

Current residential address if different from premises address

Post town Post code

Daytime contact telephone number

E-mail address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 2 for information)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname First names

Date of birth I am 18 years old or over

Nationality

Current residential address if different from premises address

Post town Post code

Daytime contact telephone number

E-mail address

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 2 for information)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name B&2 Limited
Address 30-32 Botchergate, Queens Party Bar, Carlisle CA1 1QS
Registered number (where applicable) 14645663
Description of applicant (for example partnership, company, unincorporated association etc) A limited company
Telephone number (if any)
E-mail address (optional)

Part 3

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not, when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above, please give the reasons why not.
What steps have you taken to try and obtain the consent?
Online application

If this application is granted, I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

I have enclosed the premises licence

If you have not enclosed premises licence referred to above, please give the reasons why not.
Online application

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today
- I have included documents, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2). [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]
- I understand that if I do not comply with the above requirements my application will be rejected

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment, will be liable for a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and, pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant, please state in what capacity.

Signature

.....

Date 12/01/24

.....

Capacity Michael Kheng CBii - Applicant’s duly authorised agent

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Michael Kheng
Kurnia Licensing Consultants
1 Beck Hill

Post town
Reepham

Post Code
LN3 4EN

Telephone number (if any) [REDACTED]

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

[REDACTED]

Authority for transfer

Subject: Authority for transfer

From: Benjamin Read [REDACTED]

Date: 11/01/2024 21:19

To: Michael Kheng [REDACTED]

Consent of premises licence holder to transfer I, Benjamin Read, a director of Truth Enterprizes Limited, the premises licence holder of premises licence number: PL437 relating to: Truth, Unit 7 Englishgate Plaza, Botchergate, Carlisle. CA1 1RP hereby give consent for the transfer of the said premises licence to: B&2 Limited

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TRUTH ENTERTPRIZES LIMITED

Company number **12898782**

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B&2 LIMITED

Company number **14645663**

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Application to transfer premises licence to be granted under the Licensing Act 2003

I/We Benjamin Read

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PL437

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Truth Unit 7 Englishgate Piazza Botchergate	
Post town CARLISLE	Post code CA1 1RP
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1) An existing licenced premises
--

Name of current premises licence holder B&2 Limited

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- a) an individual or individuals* please complete section (A)

- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)

h) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)

i) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

Date of birth I am 18 years old or over

Nationality

Current residential address if different from premises address

Post town Post code

Daytime contact telephone number

E-mail address (optional)

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 2 for information)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

Date of birth I am 18 years old or over

Nationality

Current residential address if different from premises address

Post town Post code

Daytime contact telephone number

E-mail address

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 2 for information)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not, when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above, please give the reasons why not. What steps have you taken to try and obtain the consent?

If this application is granted, I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

I have enclosed the premises licence

If you have not enclosed premises licence referred to above, please give the reasons why not. Online application

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today
- I have included documents, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2). [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]
- I understand that if I do not comply with the above requirements my application will be rejected

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment, will be liable for a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and, pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant, please state in what capacity.

Signature

.....
Date 09/02/24 

Capacity Michael Kheng CBii - Applicant’s duly authorised agent
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Michael Kheng
Kurnia Licensing Consultants
1 Beck Hill

Post town
Reepham

Post Code
LN3 4EN

Telephone number (if any) 

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



PART B

Consent of premises licence holder to transfer

I, Benjamin Read, a director of B&2 Limited

the premises licence holder of premises licence number: PL437

relating to: Truth, Unit 7 Englishgate Plaza, Botchergate, Carlisle. CA1 1RP

hereby give consent for the transfer of the said premises licence to: Benjamin Read

Signed 

Name Benjamin Read

Dated 09/02/24

This matter concerned Cumbria Constabulary making an objection to an application to transfer a premises licence under the Licensing Act 2003 for Truth (PL437).

The Sub-Committee has considered the application and has taken into account the evidence before it today.

In particular they heard from the Council's Licensing officer and a representative of the police. There was no representative from the Premises Licence Holder B&2 Ltd.

After careful consideration, the Sub-Committee has unanimously decided to uphold the objection made by the police and refuse the transfer of the Premises Licence. The Sub-Committee gives the following reasons for this decision

1. The Sub-Committee has had regard to the provisions of the Licensing Act, the National Guidance and the Local Licensing Policy and the Licensing objectives in particular the prevention of crime and disorder. This has led them to the decision to refuse the transfer of the Licence for the promotion of licensing objective, the prevention of Crime and Disorder.
2. Having regard to the local licensing policy paragraph 12 states "the Council must exercise its function having regard to the likely effect on crime and disorder in its area and must do all it can to prevent crime and disorder." "The Council will look to the Police for the main source of advice on these matters" given the evidence provided by the police they have a clear concern about the running of the premises by the same individuals, under a different company name. In order for the Council to promote the prevention of Crime and Disorder the transfer is refused.
3. In relation to national guidance paragraph 9.4 "there is no requirement for a responsible authority or other person to produce a recorded history or problems at premises to support their representations." There is evidence provided by the police "Truth Enterprises were found to have failed to comply with the premises licence conditions and as a result the premises were not ran in accordance with the expectations and standards of a Licence" "Cumbria Police have no reason to believe that the premises will be managed in a responsible manner that upholds the licensing objectives." The Committee supports that position of the police and refuses the transfer of the license.

CA12

Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523
Email: licensing2@cumberland.gov.uk



[Insert name and address of relevant licensing authority and its reference number (optional)]

Making an Objection against an Application to Transfer a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I PC 1479 Heidi UNDERWOOD

(Insert name of applicant)

Make a representation against an application to Transfer a Premises Licence under the Licensing Act 2003 as described below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Truth Bar, Unit 7 Englishgate Plaza, Botchergate,	
Post town Carlisle	Post code (if known) CA1 1RP

Name of premises licence holder or club holding club premises certificate (if known)
--

Number of premises licence or club premises certificate (if known)
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Cumbria Constabulary Carlisle Police Station Durranshill Industrial Estate Brunel Way Carlisle CA1 3NQ
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Police consider that there are exceptional circumstances regarding this application and consider that granting the application would seriously undermine the licensing objectives, the prevention of crime and disorder, public safety and also the protection of children from harm.

We are objecting to the transfer of the license.

This transfer application is for Mr Benjamin Andrew Read as a sole applicant and was submitted on the 12th February 2024. Previously the premises licence for Truth Bar was under the management of B&2 Limited with the directors being Mr Benjamin Andrew Read and Mr David Thompson, this was submitted on the 12th January 2024, previous to this the premises licence was under the management of Truth Enterprises Ltd of which the directors were Mr Benjamin Andrew Read and Mr David Thompson.

On the 6th October 2023 Police submitted a review of the premises licence for Truth Bar due to ongoing issues the police had identified since the bar opened in 2022 under the management of Truth Enterprises Ltd and the licence holder undermining three of the licensing objectives, the prevention of crime & disorder, public safety and also the protection of children from harm. A copy of the application will be available to view at any hearing.

On the 17th January 2024 the review of the premises licence was held and the Committee supported Cumbria Police's application and resolved to revoke the premises licence. The formal minutes of that meeting will be available in due course.

Records from Company House show that Truth Enterprises Ltd was dissolved on 16th January 2024.

On the 16th February 2024 the review of the transfer of the premises licence from Truth Enterprises Limited to B&2 Limited was held and the committee supported Cumbria Police's application and refused the transfer of the premises licence. The formal minutes of that meeting will be available in due course.

As licence holders for the premises, Truth Enterprises were found to have failed to comply with the premises licence conditions and as a result the premises were not ran in accordance with the expectations and standards of a Licence. Given that the applicant Mr Benjamin Andrew Read is identical to both B&2 Limited and Truth Enterprises Ltd, Cumbria Police have no reason to believe that the premises will be managed in a responsible manner that upholds the licensing objectives. In particular the Prevention of Crime and Disorder.

Cumbria Police request the applicant be rejected.

PC UNDERWOOD will attend any hearing to provide evidence / clarify questions etc.

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

On the 6th October 2023 Police submitted a review of the premises licence for Truth Bar due to ongoing issues the police had identified since the bar opened in 2022 under the management of Truth Enterprises Ltd and the licence holder undermining three of the licensing objectives, the prevention of crime & disorder, public safety and also the protection of children from harm. A copy of the application will be available to view at any hearing.

On the 17th January 2024 the review of the premises licence was held and the Committee supported Cumbria Police's application and resolved to revoke the premises licence. The formal minutes of that meeting will be available in due course.

On the 16th February 2024 the review of the transfer of the premises licence from Truth Enterprises Limited to B&2 Limited was held and the committee supported Cumbria Police's application and refused the transfer of the premises licence. The formal minutes of that meeting will be available in due course.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date 16/02/2024

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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