

<b>Report of:</b>	Public Protection Manager	<b>Licence Type:</b>	Premises Licence
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	30 <sup>th</sup> January 2020
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## PREMISES DETAILS

<b>Name:</b>	Village Stores
<b>Address:</b>	414 Holcombe Road, Helmshore, Rossendale, BB4 4LX
<b>Ward:</b>	Helmshore
<b>Application:</b>	Application to vary a premises licence

### 1. REASON FOR REFERRAL

- 1.1 To advise members of an application to vary a premises licence under Section 34 of the Licensing Act 2003.

### 2. RECOMMENDATION

- 2.1 It is recommended that members determine the application in accordance with the provisions of the Licensing Act 2003.

### 3. LICENSING OBJECTIVES

- 3.1 Members are reminded of the Licensing objectives as follows:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

### 4. THE EXISTING LICENCE

- 4.1 The premises has been licensed since 1<sup>st</sup> July 2005 when the Justices licence was converted and varied under the new licensing regime into a Premises Licence.

- 4.2 The holder of the premises licence is The Village Stores (Helmshore) Ltd and have been the holders of this licence since 29<sup>th</sup> July 2014.

- 4.3 The licence authorises the following:

- **The sale by retail of alcohol (ON and OFF sales)**  
Between 0800 hours and 2300 hours Monday to Sunday.

- 4.4 The premises licence is appended at Appendix A.

- 4.5 The following conditions are imposed upon the licence and it should be noted that all of these have been imposed by virtue of being consistent with the operating schedules at the times of application:

- A tamper proof CCTV system shall be installed, maintained and operated at the premises in liaison with and to the satisfaction of Lancashire Constabulary and shall be used to record during all hours that the premises are open to the public.
- Alcohol, when supplied for consumption on the premises, shall be supplied to persons taking a table meal at the premises.
- Doors and windows shall be kept closed, except for access and egress, during the whole time that the premises are open.
- There shall be no re-entry to the premises after 10pm.
- Persons who appear to be under the age of 21 years shall be required to produce proof of age by way of one of the following:
  - A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
  - Photo driving licence
  - Passport
  - Citizen card supported by the Home Office
  - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder

4.6 The condition in respect of table meals was imposed on the licence in August 2010 when the licence was varied to include ON sales. The condition was offered by the licence holder at that time as part of the application.

## 5. THE APPLICATION

5.1 On 3<sup>rd</sup> December 2019, an application to vary the premises licence was submitted. This application is appended at [Appendix B](#).

5.2 The application seeks to provide an up to date plan of the premises and it seeks to amend the conditions as follows:

- To amend the current Check 21 scheme to reflect current practice which is in fact Check 25, and
- To remove the condition in respect of table meals

5.3 The application does not seek to extend licensable hours.

5.4 The applicant has detailed further steps they intend to take to promote the licensing objectives and if members are minded to grant the application in whole or part, the following conditions could be imposed upon the licence:

- Signage in font size 16 or larger shall be displayed at the main entrance to the premises which asks customers to respect neighbours when leaving the premises, and
- The consumption of food, alcohol and other drinks will not be permitted from the outside seating area after 2130 hours each day.

5.5 The applicant has complied with the advertising requirements by placing an advert in

the newspaper and by displaying a notice of the application at the premises. The representation period expired at midnight on 31<sup>st</sup> December 2019.

## **6. RESPONSIBLE AUTHORITIES**

6.1 There were no representations from Responsible Authorities.

## **7. REPRESENTATIONS**

7.1 On 30<sup>th</sup> December 2019, a representation was received from a local resident which claims that the prevention of public nuisance licensing objective will be undermined as a consequence of the granting of the application. This representation is appended at Appendix C.

7.2 On 30<sup>th</sup> December 2019, a representation was received from another local resident which claims that the prevention of crime and disorder, the prevention of public nuisance and the public safety licensing objectives will be undermined as a consequence of the granting of the application. This representation is made on behalf of 3 other local residents and is appended at Appendix D.

7.3 It would appear that the representations take the view that the removal of the table meal condition would not only attract more customers and disorder but that this would amount to a change of planning use, ie, changing it to a bar.

7.4 Members are reminded that consideration of this matter must be confined to licensing matters and should not stray into Planning territory in terms of Planning Use Classes. Planning is the regime concerned with the principle of the use of the land and licensing with the detailed operating conditions.

7.5 Members are reminded that this is an application to vary a licence and it is not a review.

## **8. OPTIONS**

8.1 Members should always consider whether concerns raised can be overcome by the addition of conditions before refusing an application.

8.2 Members should consider the application, the representations and all submissions made and must take the steps below (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:

1. To modify the conditions of the licence;
2. To reject the whole or part of the application.

## **9. POLICIES TO CONSIDER**

- 9.1
- Rossendale Borough Council's Statement of Licensing Policy effective 20<sup>th</sup> March 2019.
  - Guidance issued under Section 182 of the Licensing Act 2003.

## **10. CRIME AND DISORDER**

10.1 Section 17(1) of the Crime and Disorder Act 1998 places a duty on the Local Authority to have due regard to the likely effect of the exercise of these functions on preventing in its area, the following;

- crime and disorder;
- misuse of drugs alcohol and other substances; and
- re-offending.

## **APPENDICES**

Appendix A	Current Premises Licence
Appendix B	Application to vary a premises licence
Appendix C	Representation 1
Appendix D	Representation 2