

<b>Subject:</b>	Determination Hearing – Application for Premises Licence for 227 Bacup Road, Rawtenstall.	<b>Status:</b>	For Publication
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	Thursday 6 <sup>th</sup> November 2014 at 10am
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Environmental Services
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required: No	<b>Attached:</b>	No
<b>Biodiversity Impact Assessment</b>	Required: No	<b>Attached:</b>	No
<b>Contact Officer:</b>	Danny Dobson	<b>Telephone:</b>	01706 238649
<b>Email:</b>	<a href="mailto:dannydobson@rossendalebc.gov.uk">dannydobson@rossendalebc.gov.uk</a>		

<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	<ol style="list-style-type: none"> <li>1. To advise members of an application for a premises licence under section 17 of the Licensing Act 2003, to which representations have been received.</li> <li>2. To request that members determine the application in accordance with the provisions of the Licensing Act 2003.</li> </ol>

## 2. LICENSING OBJECTIVES

2.1. Members are reminded of the licensing objectives as follows:

- a. The prevention of crime and disorder
- b. Public Safety
- c. The prevention of public nuisance
- d. The protection of children from harm

## 3. THE APPLICATION

3.1. A valid application for a premises licence under the Licensing Act 2003 was received on the 17<sup>th</sup> September 2014 from the applicant Anne Maria Fogg. The application is attached as **Appendix A**. After the initial application, the applicant had a discussion with the Police and as a result a further 3 conditions were added to the application – relating to notices displayed for under age purchases, staff training and a ‘Challenge 25’ policy. Those additional conditions are shown at **Appendix A** at the rear of the application and now form part of the application.

The applicant seeks a premises licence for ground floor retail premises situated at 227 Bacup Road, Rawtenstall. to enable her to conduct the following licensable activities:

- The supply of alcohol for consumption on the premises between the hours of 11.30am until midnight on a Thursday and Friday and 9am until midnight on a Saturday and Sunday. In addition, on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and February 14<sup>th</sup> (when those days fell on a day other than Thursday to Sunday).
- The provision of late night refreshment between the hours of 11pm and midnight on

Thursday to Sunday inclusive.

- The opening hours of the premises will be between the hours of 1130 to 2400 on Thursday to Sunday inclusive.
- The applicant offers herself as the Designated Premises Supervisor but at this time is not a Personal Licence Holder. (If the licence is granted there can be no sale of alcohol until a DPS is nominated)
- The application also describes a number of steps that they intend to take to promote the four licensing objectives and which would form part of the premises licence if it were granted. Some of those steps would be shown as conditions – the Challenge 25 policy, staff training and notices asking customers to leave quietly.

#### **4. REPRESENTATIONS.**

4.1 A representation was received from Andrew Mitchell on the 3<sup>rd</sup> October 2014. That representation is deemed to be valid and was received within the statutory period. It is appended at **Appendix B**. However, the Committee should note that some of the issues raised in the representation are not based on any of the four licensing objectives and should therefore not be considered in your deliberations.

In particular it should be noted :

- The parking of vehicles is not a subject that you can consider.
- The premises at 239 Bacup Road are currently a takeaway and there is no record of an application for any form of licence being made or rejected for these premises.
- The reference to a communal toilet at the time of writing this report is not clear.

#### **5. BACKGROUND**

- 5.1 The premise to which the application refers has not previously been licensed for the sale of alcohol.
- 5.2 In discussions with the applicant she says that her intention is to trade as a restaurant style of business and to be able to serve alcohol alongside food within the building.
- 5.3 There is no application for anything other than the sale of alcohol and the supply of hot food between 11pm and midnight in this application. It should be noted, however, that live music on licensed premises between the hours of 8am and 11pm on premises licenced for the sale of alcohol is not licensable, nor is recorded music played as background music.

#### **6. POLICY CONSIDERATIONS.**

The hearing should be guided by the Statement of Licensing Policy of Rossendale Borough Council, and any relevant provisions of national guidance. Reasons should be given from any departure.

#### **7. CONCLUSION**

7.1 | The decision should be based on the individual merits of the application. In accordance with Regulation 26(2) of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.

In accordance with Section 18(3) the authority must, having regard to the representations made, take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are :

- To grant the licence subject to the conditions mentioned in subsection 2(a) modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and any condition which must under sections 19,20 or 21 of the

Act be included in the licence:

- To exclude from the scope of the licence any of the licensable activities to which the application refers;
- To refuse to specify a person in the licence as the premises supervisor;
- To reject an application.

If any of the above steps are not considered appropriate, you should grant the licence.

<b>Appendices</b>	
<b>Document</b>	<b>Appendix Number</b>
Application Form and e-mail	<b>Appendix A</b>
Representation from Andrew Mitchell	<b>Appendix B</b>