

Report of:	Public Protection Manager	Licence Type:	Premises Licence
Report to:	Licensing Committee	Date:	19 th August 2019
Contact Officer:	Susan Chadwick	Telephone:	01706 238 648
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PREMISES DETAILS

Name:	The Hill
Address:	Ski Rossendale, Haslingden Old Road, Rawtenstall, Rossendale, BB4 8RR
Ward:	Longholme
Application:	Application for the grant of a new premises licence

1. REASON FOR REFERRAL

- 1.1 To advise members of an application for the grant of a premises licence under Section 17 of the Licensing Act 2003.

2. RECOMMENDATIONS

- 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 APPLICATION

- 4.1 On 28th June 2019, Ski Rossendale Ltd, applied for the grant of a new premises licence. This application is appended at Appendix A.

- 4.2 The application proposes to authorise:

Live Music and Recorded Music (Indoors and Outdoors)

Between 1100 hours and 0000 hours Monday to Sunday.

Between 1100 hours and 0200 hours on New Year's Eve and Valentine's Day Eve

Films (Indoors and Outdoors)

Between 1100 hours and 0000 hours Monday to Sunday.

Late Night Refreshment (Indoors and Outdoors)

Between 2300 hours and 0000 hours Monday to Sunday

Between 2300 hours and 0200 hours on New Year's Eve and Valentine's Day Eve

The supply of alcohol (On sales only)

Between 1100 hours and 0000 hours Monday to Sunday

Between 1100 hours and 0200 hours on New Year's Eve and Valentine's Day Eve

- 4.3 The applicant has detailed non-standard timings on the application form as being between 2300 hours and 0200 hours for most licensable activities. The applicant has confirmed that this contains a mistake and should refer to authorising the activities between 1100 hours and 0200 hours.
- 4.4 The applicant has provided plans which show that the extent of the licensable area will comprise a section of the ground floor currently used as a café and a small section of the open roof terrace which sits above the café. The plans are appended at Appendix B.
- 4.5 The applicant has detailed the steps they intend to take to promote the licensing objectives and these steps will be translated into conditions on the licence, if granted.
- 4.6 These conditions would be:
- The licence holder must ensure that all staff involved in the sale by retail of alcohol must be trained in relation to the responsible retailing of alcohol and the licensing objectives and such training must be documented.
 - All staff involved in the sale by retail of alcohol must receive refresher training which must take place at least annually. Refresher training must be documented.
 - In order to prevent noise nuisance, the disposal of noise producing waste such as glass and bottles will take place between 1000 hours and 1800 hours.
 - The premises licence holder shall be responsible for ensuring that litter patrols are carried out on the entire premises and that all waste packaging and other litter is collected and disposed of lawfully. Details of the date and time such patrols are carried out shall be documented and such records shall be made available upon request to a Police Constable or Authorised Officer. Such records shall be retained for a period of six months.
 - All persons purchasing alcohol who appear to be under the age of 25 years shall be required to produce proof of age by way 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
 - A refusals log shall be maintained at the premises and shall be used to record all instances where the sale of alcohol has been refused. The log shall record as a minimum, the date and time of the refusal, a description of the customer and the details of the reason for refusal.
 - Persons under the age of 18 years shall not be permitted on the premises unless accompanied by a person aged 18 years or over.
- 4.7 The applicant has offered a condition limiting the noise to an acceptable level. This cannot be imposed upon the licence due to its ambiguity and unenforceability.

4.8 The applicant has complied with the requirements to advertise the application in strict accordance with the requirements of the Licensing Act 2003.

5. RESPONSIBLE AUTHORITIES

5.1 The Planning Department as a Responsible Authority have submitted a valid representation to the application. This representation is appended at Appendix C.

6. REPRESENTATIONS

6.1 Representations were received during the representation period and whilst some contain several matters that cannot be lawfully considered by the sub-committee, they have provided an indicator of potential issues and they have been given the benefit of the doubt therefore providing them with the opportunity to amplify and clarify the representation.

6.2 Eight (8) representations were received from local residents and these are appended at Appendix D.

6.3 Relevant parts of the representations relate mainly to the prevention of public nuisance objective. The Licensing Authority must consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to licences. Licensing Authorities in considering the promotion of this objective should focus on the effect of the licensable activities at the premises on persons living and working in the area which may be disproportionate and unreasonable.

6.4 Members should consider the representations and take into account all relevant matters and disregard those matters which do not relate to the likely effect of the grant of the licence on the promotion of the licensing objectives. Representations must be considered in terms of the impact of the licensable activities carried on from the premises on the objectives.

6.5 Members are reminded that the consumption of alcohol is not a licensable activity.

6.6 Members are reminded that the existence of public houses in the vicinity cannot be reason to refuse a licence.

7. OPTIONS

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

7.2 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 grant the licence subject to:
 - a) the conditions in the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the licensing objectives, and
 - b) any mandatory conditions which must be included in the licence,
2. To exclude from the scope of the licence any of the licensable activities to which the application relates,

3. To refuse to specify a person in the licence as the premises supervisor;

4. To reject the application.

8. POLICIES TO CONSIDER

- 8.1
- Rossendale Borough Council's Statement of Licensing Policy effective 25th March 2014.
 - Guidance issued under Section 182 of the Licensing Act 2003.

9. CRIME AND DISORDER

- 9.1 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	Application Form
Appendix B	Plans
Appendix C	Representation – Planning Department
Appendix D	Representation - Residents