

Report of:	Public Protection Manager	Licence Type:	Premises Licence
Report to:	Licensing Committee	Date:	16 th September 2019
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PREMISES DETAILS

Name:	Freddy's Chicken
Address:	8 Bury Road, Rawtenstall, Rossendale, BB4 6AA
Ward:	Longholme
Application:	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 During routine late night enforcement activities on 24th February 2017, the premises subject to the application to be determined was found to be operating after 2300 hours without the required authorisation.

- 4.2 As a result of this visit, the proper application for a premises licence was made and following mediation with the interested parties and responsible authority who had submitted valid representations, the application was granted.

- 4.3 The premises licence was granted on 13th April 2017.

- 4.4 On 20th March 2019, an application to transfer the premises licence was granted to Mr Sajjad Ahmed who is the current holder of the premises licence.

- 4.5 The licence currently authorises:

- **Late Night Refreshment**

Between 2300hrs and 0200hrs Monday to Sunday.

4.6 The premises licence is appended at Appendix A.

4.7 Aside from mandatory conditions, the following conditions were imposed upon by the licence as being consistent with the operating schedule at the time of application and as offered by the applicant's solicitor:

- The premises licence holder will ensure that all staff receive regular health and safety and food hygiene training. Such training shall take place at least every 2 years and shall be documented and signed by the training co-ordinator and attendees. Such record shall be made available for inspection, upon request, to a Police Constable or Authorised Officer and shall be retained for a rolling period of 4 years.
- The licence holder shall ensure that all staff receives regular training on the promotion of the Licensing Act 2003 objectives and the provision of late night refreshment. Such training shall take place at least annually and shall be documented and signed by the training co-ordinator and attendees. Such record shall be made available for inspection, upon request, to a Police Constable or Authorised Officer and shall be retained for a rolling period of 4 years.
- A tamper proof CCTV system shall be installed in the interior and on the exterior of the premises, maintained and operated at the premises in liaison with Lancashire Constabulary and shall be used to record during all hours that the premises are open to the public.
- The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days and shall be made available for inspection upon request to a Police Constable or Authorised Officer.
- The premises licence holder will ensure that all managers and other appropriate staff receive training in the maintenance and operation of the CCTV system. Such training shall take place at least annually. A written record shall be maintained detailing the date of the training, the name and signature of the person providing the training and the name and signature of the staff members receiving the training. Such records shall be made available for inspection, upon request, to a Police Constable or Authorised Officer and shall be retained for a rolling period of 2 years.
- A trained member of staff will be on duty to operate the CCTV system at all times that the premises are open.
- External lighting shall be installed in such a position and manner that it does not negatively impact on surrounding neighbours.
- The licence holder shall ensure that a written risk assessment with regard to public safety is produced and that such risk assessment is reviewed at least annually. A risk assessment and written record of reviews shall be maintained at the premises and made available for inspection upon request to a Police Constable or Authorised Officer. Such records shall be retained for a period of 4 years.

- The licence holder shall be responsible for the carrying out and implementing of a written fire risk assessment within 21 days of the granting of the premises licence and such assessment shall be made immediately available upon request by a representative of the Lancashire Fire & Rescue Service or an authorised officer of the Licensing Authority.
- A written incident log shall be maintained at the premises and shall provide details of the incident, remedial action taken and shall be signed by the person making the entry. The licence holder shall have responsibility for reviewing the log on a weekly basis and shall record their signature and any further action taken. Such log shall be made available upon request to a Police Constable or Authorised Officer.
- Windows and doors shall be kept closed, save for access and egress, whilst the premises is open.
- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises. The licence holder shall be responsible for monitoring any possible noise nuisance and taking appropriate action to eliminate any noise nuisance. A written log shall be maintained at the premises detailing any noise issues or nuisance and shall detail any remedial action taken. Such record shall be dated and signed and shall be made available upon request to a Police Constable or Authorised Officer.
- The licence holder shall have responsibility for making a contact telephone number available to local residents so that any noise disturbances can be reported. Such phone line shall be available and manned at all times that the premises licence authorises the licensable activity. A log of these calls, the disturbance reported and any remedial action taken shall be maintained and made available upon request to a Police Constable or Authorised Officer. Such records shall be retained for a period of 2 years and shall be reviewed, at least weekly, by the licence holder. Details of reviews shall be recorded in the log.
- There shall be placed at all public exits, signs requesting that customers leave the premises and area quietly and that customers dispose of litter responsibly. Such signs shall be in font size 16 or larger and maintained so as to be legible at all times.
- The licence holder shall ensure that a zero tolerance policy with regard to drugs and the carrying of weapons is created and implemented at the premises. A log of all incidents under this policy shall be recorded and maintained at the premises with details of the incident and remedial action taken and whether the matter was referred onto anyone else. Such records shall be signed and reviewed by the licence holder on a weekly basis and details of the review shall be documented and signed. Such records shall be made available upon request to a Police Constable or Authorised Officer.
- Any external furniture provided by the premises shall be removed between 11am and 5am on every day that the premises is open.
- The premises licence shall ensure that arrangements are put in place to ensure that commercial deliveries and the storage and/or disposal of waste

and recyclables in external areas is restricted to hours between 8am and 6pm Monday to Friday.

- The premises licence holder shall ensure that a litter patrol and collection of all street litter in the immediate vicinity and surrounding streets of the premises is undertaken by staff at the close of business on each trading day. Details of the patrol shall be recorded in a log along with details of the staff member conducting the patrol and their signature. This log shall be made available for inspection immediately upon request by a Police Constable or Authorised Officer and shall be retained for a period of six (6) months.
- There shall be provided in the public area of the premises, a container for the storage and disposal of waste foods and other refuse from the premises.
- Children under the age of 18 years shall not be permitted on the premises unless they are accompanied by a person aged 18 years or over.
- The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the provision of late night refreshment.
- The premises licence holder in relation to the premises licence must ensure that the provision of late night refreshment at the premises is carried on in accordance with the age verification policy.
- 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 hot food or drink, identification bearing their photograph, date of birth and either—
 - a) a holographic mark, or
 - b) an ultraviolet feature.

4.8 It is not clear why the premises operates a Check 18 scheme given that the licence only authorises late night refreshment. Such a scheme and usually a 25 one is typically good practice with regard to the licensable activity of selling alcohol.

4.9 There are several other nonsensical conditions on the licence offered by the applicant's solicitor who was most likely nescient of the subject.

5. THE APPLICATION

5.1 On 27th June 2019, the Licensing Authority received an application to vary the premises licence but this application was rejected within the statutory period for representations as the applicant failed to correctly advertise the application from the premises and in the newspaper.

5.2 On 23rd July 2019, the applicant submitted a further application for the variation of the premises licence. This application was correctly advertised as per the requirements of the Licensing Act 2003 and is appended at Appendix B.

5.3 The application seeks to authorise the provision of late night refreshment as follows:

Between 2300 hours and 0100 hours Monday to Thursday, and
Between 2300 hours and 0400 hours Friday to Sunday.

- 5.4 This means that the applicant seeks to reduce their hours Monday to Thursdays by 1 hour (going from 0200 hours to 0100 hours) and increase Fridays, Saturdays and Sundays by 2 hours (going from 0200 hours to 0400 hours).
- 5.5 The applicant has offered a further condition stating, "No children should visit at that time, if they do I will take precautions with regards to their welfare". It is not clear as to what exactly this means but would not transpose into a proportionate enforceable condition on the licence.
- 5.6 There are therefore no additional conditions offered in this application.
- 5.7 The representation period for the application ran from 24th July 2019 to midnight on 20th August 2019.
- 5.8 In considering this application and irrespective of whether the sub-committee approve or reject, in part or the whole of the application, members may wish to address the conditions imposed on the licence with the consent of the licence holder. This exercise would be to ensure that nonsensical conditions are either removed or amended to become appropriate. Please refer to paragraphs 4.4 to 4.6 (inclusive) above.

6. RESPONSIBLE AUTHORITIES

- 6.1 On 16th August 2019, the Council's planning department, as a responsible authority, submitted a representation to the application. The representation was submitted on the grounds that the licensing objective; the prevention of public nuisance would be undermined.
- 6.2 This representation is appended at Appendix C.
- 6.3 There were no representations from the other responsible authorities.

7. REPRESENTATIONS

- 7.1 Four (4) representations were received during the representation period and these have been deemed relevant. These are appended at Appendix D.
- 7.2 The representations appear to be based on the prevention of public nuisance objective.

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 20th 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 – RBC’s Planning Department
Appendix D	Representations – Other Persons