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|  | **Status:**  **For Publication** | **Item No** | **B1** |

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| **Report of:** | Public Protection Manager | **Licence Type:** | Premises Licence |
| **Report to:** | Licensing Committee | **Date:** | 29th October 2019 |
| **Contact Officer:** | Susan Chadwick | **Telephone:** | 01706 238 648 |
| **Email:** | [susanchadwick@rossendalebc.gov.uk](mailto:susanchadwick@rossendalebc.gov.uk) | | |

**PREMISES DETAILS**

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| **Name:** | Two’s and Three’s Hideaway |
| **Address:** | 5 Rochester Close, Weir, Lancashire, OL13 8RN |
| **Ward:** | Greensclough |
| **Application:** | Application for the grant of a new premises licence |

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| **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 | An application for the grant of a premises licence was received from Mr Trevor Paul Hopkins on 10th September 2019. The application is appended at Appendix A. |
| 4.2 | The application proposes to sell alcohol by retail between 1800 hours and 2300 hours on Fridays and between 1200 and 2300 Saturday and Sunday. The sale shall be for consumption ON the premises. |
| 4.3 | The application further proposes to conduct the following licensable activities:  **Films (Indoors and Outdoors)**  Between 1900 hours and 2230 hours Friday to Sunday. |
| 4.4 | Whilst the application also seeks to authorise Plays, Live Music and Provision of Facilities for Dancing, these activities have been deregulated and will not come within the scope of licensing provided that the activity takes place in accordance with the following conditions:   1. In the case of amplified live music, that the activity takes place from premises licensed for the sale of alcohol for consumption ON the premises and whilst the premises are open for the activity of alcohol sales. 2. Any premises for unamplified live music. 3. That the activity takes place to an audience of no more than 500 people 4. That the activity takes place between 8am and 11pm, |
| 4.5 | The premises that the application relates to is a residential dwelling. |
| 4.6 | The applicant has not marked the plans with the extent of the licensable area and the assumption therefore is that the whole of the premises (indoor and outdoor areas) are to be licensed. |
| 4.7 | The applicant may be prepared to withdraw the outdoor element of the application and if this is the case, the sub-committee may wish to red edge the plans to specify the licensable area as indoors only. |
| 4.8 | 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. |
| 4.9 | These conditions would be:  Licensable activity can take place from the premises on no more than 3 days per calendar month.  Children under the age of 18 years shall only be permitted on the premises if accompanied by a person aged 18 or over.  There shall be no gaming machines operated from the premises at any time. |
| 4.10 | The applicant has also offered age checks but hasn’t clarified what he means by this and if the sub-committee are minded to grant the application, they may wish to impose a Check 25 condition (industry standard) as follows:  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 |
| 4.11 | The applicant has complied with the advertising requirements laid out in the Act by way of advertising the application in a locally circulating newspaper and at the premises. |
| **5.** | **RESPONSIBLE AUTHORITIES** |
| 5.1 | The Planning Department as a responsible authority have submitted a relevant representation and this is appended at Appendix B. |
| 5.2 | The Environmental Health Department as a responsible authority have submitted a relevant representation and this is appended at Appendix C. |
| **6.** | **REPRESENTATIONS** |
|  | A relevant representation from the Greensclough Ward Councillor has been received and this is 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. |
| **7.** | **OPTIONS** |
| 7.1 | Members should always consider whether concerns raised can be overcome by the addition of conditions before refusing an application. |
| 7.1 | 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,   1. To exclude from the scope of the licence any of the licensable activities to which the application relates, 2. To refuse to specify a person in the licence as the premises supervisor; 3. 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**

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| Appendix A | Application Form |
| Appendix B | Representation – Planning Department |
| Appendix C | Representation – Environmental Health |
| Appendix D | Representation – Greensclough Ward Councillor |