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| Report of: | Public Protection Manager | Licence Type: | Premises Licence |
| Report to: | Licensing Committee | Date: | 18 th May 2021 |
| Contact Officer: | Susan Chadwick | Telephone: | 01706 238 648 |
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PREMISES DETAILS

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| Name: | Revival |
| Address: | 23-27 Bacup Road, Rawtenstall, Rossendale, BB4 7NG |
| 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. BACKGROUND

- 4.1 This report and the application subject to determination concerns the properties outlined as per **Appendix A**. The green outline shows the whole of the boundary concerned and the red outline provided for information shows the property previously licensed as The Ugly Duckling.

- 4.2 The premises was previously licensed as one whole but two operations with an entrance for each but formed one premises with an internal doorway between the two parts. The side of the premises now known as Revival was licensed as Vogue and the side previously known as The Ugly Duckling was operated as Bar Zazu by the same operator and under the Vogue licence.

- 4.3 The premises was previously addressed as 23 – 27 Bacup Road.

- 4.4 In licensing terms, the premises has therefore been licensed since 4th April 2012. In February 2012, the operator at the time applied for the grant of a new licence and amongst the licensable activity sought, the application requested the supply of

alcohol until 0330 hours on Fridays and Saturdays and 0130 hours the rest of the week.

- 4.5 There were no representations made against this application and this licence was granted on 4th April 2012.
- 4.6 In September 2012, the operator applied to vary the licence (amongst other things) to extend alcohol sales to 0500 hours on Fridays and Saturdays and until 0200 hours the rest of the week.
- 4.7 There were no representations made against this application and it was granted on 17th October 2012.
- 4.8 Around September 2016 (best professional guesstimate), Vogue and Bar Zazu ceased trading.
- 4.9 On 5th November 2018, Revival Rawtenstall Limited applied to transfer the licence and this application was granted on 20th November 2018. The part of the premises known as Vogue was the only part used for the licensable activity and the internal doorway had been closed up forming two premises.
- 4.10 On 5th February 2019, the premises next door (outlined in red on Appendix A) applied for a new premises licence for the business that would be known as The Ugly Duckling. There were no representations received against this application and the licence was granted on 8th March 2019.
- 4.11 At this time, The Ugly Duckling was addressed as 27 Bacup Road and Revival became 23 – 25 Bacup Road.
- 4.12 The Ugly Duckling ceased trading in 2020 and the licence lapsed in December 2020.
- 4.13 The premises has now been incorporated into one with the internal doorway dividing the premises no longer in situ.

5.0 THE EXISTING LICENCE

- 5.1 The premises known as Revival is authorised for licensable activity under a premises licence which does not extend to the Ugly Duckling side of the building.
- 5.2 The premises licence is appended at **Appendix B**.
- 5.3 This premises licence was originally granted on 4th April 2012.
- 5.4 The conditions imposed on the licence are as follows:
 - 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.
 - The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.

- From 2300 hours to closing time, there shall be provided at the premises a minimum of three door supervisors who are registered with the Security Industry Authority.
- Children under the age of 16 years shall only be permitted on the premises if they are accompanied by a person aged 18 years or over and must leave the premises by no later than 2000 hours on any day.
- Children aged 16 to 17 years shall be permitted on the premises either accompanied or unaccompanied but must leave the premises by no later than 2200 on any day, with the exception of staff employed at the premises.
- The level of noise emitted from the premises should not be more than 5dB above background noise at any time as measured from the boundary of the premises.
- There shall be no admission after 0400 hours on Thursday, Friday, Saturday, Christmas Eve, Boxing Day, New Year's Eve, New Year's Day and every Sunday before an official English Bank Holiday Monday.
- There shall be no admission after 0130 hours on Sunday to Wednesday.
- The mandatory age verification policy shall specify an age of 25 years.

6.0 THE APPLICATION

6.1 On 22nd March 2021, Revival Rawtenstall Limited applied to vary the premises licence.

6.2 The application is appended at **Appendix C**.

6.3 The application has proposed the additional condition as follows:

- Customer access to the premises shall not be other than by the door indicated on the attached plan referenced as "Entrance Plan – LIC/01".
- Customer re-entry to the premises will be permitted from the rear entrance.

6.4 The above plan is appended at **Appendix D**.

6.5 The application seeks to add boxing/wrestling entertainment to the licence as follows:

Between 1100 hours and 0000 hours Monday to Thursday
Between 1000 hours and 0000 hours Friday to Sunday.

6.6 The application also requests that the licensable area be extended to include the premises next door (the former Ugly Duckling) as per the plan included with the application which is appended at Appendix C.

6.7 A complete document showing all the conditions which will be imposed on the licence if the application were granted is appended at **Appendix E**.

7.0 RESPONSIBLE AUTHORITIES

- 7.1 There were no representations from the responsible authorities.
- 7.2 There was however an agreed package of additional conditions agreed between the applicant and the Chief Officer of Police.
- 7.3 These conditions are incorporated into **Appendix E**.

8.0 REPRESENTATIONS

- 8.1 Councillor Steve Hughes (ward Councillor) submitted a representation during the representation period and is appended at **Appendix F**.
- 8.2 Councillor Sue Brennan (ward Councillor) submitted a representation during the representation period and is appended at **Appendix F**. Cllr Brennan has also signed and submitted a pre-printed representation of the type discussed in paragraph 8.4 below.
- 8.3 Nine (9) other interested parties submitted letters, emails and representation forms which are appended at **Appendix F**. Members should note that one interested party completed an objection form and a pre-printed representation which is detailed below at paragraph 8.4.
- 8.4 A total of 188 pre-printed representations were submitted during the representation period. They consist of a pre-printed section with bullet points and a small paragraph stating the reasons for objection. These were given to people to complete their details and to sign the forms. The Licensing Officer was advised that the owner of the Nila restaurant handed these to people. Of these forms, 14 were obviously not relevant as they did not have full details of the people signing the forms. The remaining 174 are appended at **Appendix G**.
- 8.5 Whilst the “in the vicinity” test was removed from the Act in 2011, Members should give the appropriate weight to such representations. Members should give greater weight to representations from those in or around the vicinity of the premises and where they have been able to demonstrate the likely effect of the grant of the application on the promotion of the licensing objectives.
- 8.6 Members are reminded that consideration of this matter must be confined to licensing matters and should not stray into planning territory such as parking and appropriate use of the land.
- 8.7 Members are also reminded that this hearing is not a review of the licence and members should confine their consideration to the nature of this application and whether the granting of the application may undermine the licensing objectives.
- 8.8 In determining this application, the sub-committee will need to comply with the rules of natural justice, which requires that the decision be based upon information which has some probative value on relevant issues. This means that the sub-committee should have fair regard to all written and verbal relevant representations.
- 8.9 This also means that the decision of the sub-committee must be based upon material which tends logically to show the existence or non-existence of facts relevant to this application, or show the likelihood or unlikelihood of the occurrence of some future event which would be relevant.

9.0 OPTIONS

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

9.2 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.

9.3 Members are reminded that this is not a review of the licence and as such, you cannot modify the licence to a lesser extent than it is currently licensed for as your authority extends only to the options above.

10.0 POLICIES TO CONSIDER

- 10.1
- Rossendale Borough Council's Statement of Licensing Policy effective 20th March 2019.
 - Guidance issued under Section 182 of the Licensing Act 2003.

11.0 CRIME AND DISORDER

11.1 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 | Boundary Map of the Premises |
| Appendix B | Current Premises Licence |
| Appendix C | Application Form |
| Appendix D | Entrance Plan |
| Appendix E | Licence Conditions |
| Appendix F | Other Representations |
| Appendix G | Pre-printed Representations |