

<b>Report of:</b>	Public Protection Manager	<b>Licence Type:</b>	Premises Licence
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	23 <sup>rd</sup> June 2021
<b>Contact Officer:</b>	Susan Chadwick	<b>Telephone:</b>	01706 238 648
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## PREMISES DETAILS

<b>Name:</b>	Railway Tavern
<b>Address:</b>	51 Bury Road, Rawtenstall, Rossendale, BB4 6DD
<b>Ward:</b>	Longholme
<b>Application:</b>	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 An application for the grant of a premises licence was received from RV Bars Limited on 29<sup>th</sup> April 2021. The application is appended at Appendix A.

- 4.2 The application proposes to sell alcohol by retail:

Between 1100 hours and 2300 hours Sunday to Thursday  
Between 1100 hours and 0130 hours Fridays and Saturdays

Non-standard timings are:

Between 1100 hours and 0130 hours on Christmas Eve, Boxing Day and official UK Bank Holiday Sundays and Mondays.

From 1100 hours on New Year's Eve to the start of permitted hours the following day

The sale shall be for consumption ON and OFF the premises.

4.3 The application further proposes to conduct the following licensable activities:

**Live Music (Indoors)**

Between 1100 hours and midnight Friday and Saturday

Non-standard timings are:

Between 1100 hours and 0130 hours on Christmas Eve, Boxing Day and official UK Bank Holiday Sundays and Mondays

Between 1100 hours and 0300 hours on New Year's Eve

**Recorded Music (Indoors)**

Between 1100 hours and 2330 hours Sunday to Thursday

Between 1100 hours and 0200 hours Fridays and Saturdays

Non-standard timings are:

Between 1100 hours and 0200 hours on Christmas Eve, Boxing Day and official UK Bank Holiday Sundays and Mondays.

From 1100 hours on New Year's Eve to the start of permitted hours the following day

**Performance of Dance (Indoors)**

Between 1100 hours and 2330 hours Sunday to Thursday

Between 1100 hours and 0200 hours Fridays and Saturdays

Non-standard timings are:

Between 1100 hours and 0200 hours on Christmas Eve, Boxing Day and official UK Bank Holiday Sundays and Mondays.

From 1100 hours on New Year's Eve to the start of permitted hours the following day

4.4 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.

4.5 These conditions would be:

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 and at all times that customers are on the premises.

All public areas of the licensed premises, including all public entry and exit points, will be covered by CCTV.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.

If the CCTV hard drive is removed for replacement, maintenance, or any other reason, the hard drive and images recorded shall be made available to any Police Officer or authorised officer of Rossendale Borough Council for a period of 31 days.

CCTV footage must be made available to Lancashire Constabulary or an Authorised Officer of Rossendale Borough Council and must be provided within 72 hours of a request being made.

A refusal log must be kept at the premises to record all refused sales of alcohol for the reasons that the person(s) is/are, or appear(s) to be, under 18 years of age and such log must be retained for a rolling period of two years from the date of the last entry.

The refusals log must record the date and time of the refusal and the name of the member of staff who refused the sale.

The refusals log must be available on request by the police or an authorised officer of Rossendale Borough Council.

The refusals log must be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.

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

Bottle bins shall not be removed for emptying or be emptied on any day prior to 10am.

Children under the age of 18 years shall not be permitted to be on the premises after 2000 hours on any day unless they are accompanied by a person aged 18 years or older.

*Whilst live or amplified music is being played at the premises all external doors and windows shall be kept closed, save for access and egress and emergencies.*

*The outdoor areas may be used only between 1100 hours and 2100 hours on any day.*

## **5. BACKGROUND**

- 5.1 The premises was previously licensed and operated as a public house and restaurant. That licence was originally granted on 6<sup>th</sup> April 2006.
- 5.2 The licence authorised, amongst other regulated entertainment, live and recorded music and the supply of alcohol until 0030 hours Monday to Thursday and 0130 hours Friday and Saturday. Various non-standard timings applied too.
- 5.3 The licence was surrendered on 18<sup>th</sup> May 2020 and since this time, the premises has been unlicensed and unused.

## **6. RESPONSIBLE AUTHORITIES**

6.1 There have been no representations submitted by the responsible authorities.

6.2 The environmental health department agreed additional conditions with the applicant which are italicised in paragraph 4.5 (the last two conditions listed). These relate to doors and windows being kept closed whilst live or amplified music takes place and restricts the use of the outdoor areas to 2100 hours.

## **7. REPRESENTATIONS**

7.1 There have been five (5) representations from “other persons” and these are appended as Appendices B, C, D, E and F respectively.

## **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 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 (not an option in this case);
4. To reject the application.

## **9. POLICIES TO CONSIDER**

- 9.1
- Rossendale Borough Council’s Statement of Licensing Policy effective 25<sup>th</sup> March 2014.
  - 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	Application Form
Appendix B	Representation 1
Appendix C	Representation 2
Appendix D	Representation 3
Appendix E	Representation 4
Appendix F	Representation 5