

Report of:	Public Protection Manager	Licence Type:	Premises Licence
Report to:	Licensing Committee	Date:	19 th January 2023
Contact Officer:	Susan Chadwick	Telephone:	01706 238 648
Email:	susanchadwick@rossendalebc.gov.uk		

PREMISES DETAILS

Name:	The Mill Café
Address:	Unit 2, Park Mill, Holcombe Road, Helmshore, Rossendale, BB4 4NF
Ward:	Helmshore
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 The premises which is the subject of this variation benefits from a Premises Licence which was originally granted on 20th March 2019.

- 4.2 This licence is appended at **Appendix A** and authorises the following activities:

The sale by retail of alcohol (ON and OFF)
Between 1000 and 2230 hours Monday to Sunday

- 4.3 Conditions already imposed on the licence are appended at **Appendix B**.

- 4.4 On 16th November 2022, Ms Maxine Jayne Ruleman applied to transfer the premises licence to herself. This application was granted on 21st November 2022..

5. THE APPLICATION

5.1 On 23rd November 2022, Ms Ruleman applied to vary the premises licence and this application is appended at **Appendix C**.

5.2 The application proposes to increase the area to be used for licensable activity to almost double the original area. The proposed licensing plan is appended at **Appendix D**.

5.3 The current licensing plan is appended at **Appendix E**.

5.4 The application also proposes that recorded music (indoors) be added to the licence in accordance with the following:

Between 0900 hours and 2300 hours Monday to Thursday
Between 0900 hours and 0000 hours Friday to Sunday

5.5 The application also proposes that the sale by retail of alcohol and opening hours be varied to:

Between 0900 hours and 2300 hours Monday to Thursday
Between 0900 hours and 0000 hours Friday to Sunday

5.6 The application has not proposed the provision of late night refreshment between 2300 hours and the terminal hour.

5.7 Members should note that under the current licence, the provision of recorded music would not be regulated between 1000 hours and 2230 hours.

5.8 If the application were granted in its current form, the provision of recorded music would not be regulated between 0900 hours and 2300 hours Monday to Sunday.

5.9 The applicant has not offered any further conditions on the application and hasn't identified any that require removing or amending as a result of the variation application.

6. RESPONSIBLE AUTHORITIES

6.1 There were no representations from the responsible authorities.

7. REPRESENTATIONS

7.1 Four (4) representations have been received in respect of this application to vary the premises licence.

One (1) representation is supportive of the application and is appended at **Appendix E**.

This representation was originally the only one received and as a result of that, it was withdrawn on 7th December 2022.

Upon receipt of representations that opposed the application, this representation was reinstated on 13th December 2022.

The remaining representations appear to have been made by residents living near to the premises and are appended at **Appendix F**. The 3 representations make reference to parking issues and members are reminded that parking is not a licensing consideration. It is a matter for planning control.

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.

8.3 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.

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	Current Licence Conditions
Appendix C	Application
Appendix D	Proposed Licensing Plan
Appendix E	Current Licensing Plan
Appendix F	Representation (in support)
Appendix G	Representation x 3 (opposed)