

**MINUTES OF: LICENSING SUB-COMMITTEE
HEARING UNDER THE LICENSING ACT 2003**

DATE OF MEETING: 4th September 2023

PRESENT: Councillors Marriott (Chair), Gill and Rigby

**IN ATTENDANCE: Ms Y Ahmed, Principal Legal Officer
Mr S Hussain, Legal Officer
Miss S Chadwick, Licensing Officer
Applicant / Applicant's Representative
Interested Party**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

2. CHAIRMAN'S INTRODUCTION

The Chair welcomed all parties to the meeting and asked the members of the Sub-Committee and Council Officers to introduce themselves. The Chair noted that item C1 would be held in private, as detailed on the agenda, after which the meeting would continue in public.

3. DECLARATIONS OF INTEREST

No declarations were made.

4. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the following items of business under Section 100(A)(4) of the Local Government Act 1972 since they involved the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

5. REVIEW OF A PERSONAL LICENCE FOR LM

5.1 The Chair asked the Licence Holder to introduce themselves.

5.2 The Hearing procedure was followed.

5.3 The Licensing Officer presented their report.

5.4 Members asked questions of the Licensing Officer.

5.5 Clarification was provided.

5.6 The Licence Holder presented their case.

5.7 Members asked questions of the Licence Holder.

5.8 Clarification was provided.

5.9 The Licence Holder and the Licensing Officer left the room whilst the Committee deliberated.

6. DECISION

6.1 After giving consideration to all the written and verbal representations made today by the Licence Holder and after giving proper consideration to the Licensing Objectives, the Sub-Committee, appointed under the Licensing Act 2003, decided to take the following action on the application to review a personal licence Section 132(2) of the 2003 Act.

Resolved:

That the Personal Licence be suspended for a period not exceeding 6 months.

This decision was made because the Committee were satisfied that these measures were necessary to satisfy the following licensing objectives, in particular, the Prevention of Crime and Disorder.

There was a right of appeal for all parties before the Magistrates' Court which must be exercised within 21 days on receipt of the Decision Notice.

7. APPLICATION FOR A NEW PREMISES LICENCE AT: THYME WINE & COCKTAIL BAR, 564 BURNLEY ROAD, CRAWSHAWBOOTH, ROSSENDALE, BB4 8AJ

7.1 The Chair asked the Applicant to introduce themselves.

7.2 The Applicant attended the Hearing with regard to the application for a new premises licence at Thyme Wine & Cocktail Bar, 564 Burnley Road, Crawshawbooth, Rossendale, BB4 8AJ.

7.3 All parties consented to a public hearing.

7.4 The Hearing procedure was followed.

7.5 The Licensing Officer presented the report.

7.6 Members asked questions of the Licensing Officer.

7.7 Clarification was provided.

7.8 The Licence Holder presented their case.

7.9 Members asked questions of the Licence Holder.

7.10 Clarification was provided.

7.11 The Applicant, Interested Party and the Licensing Officer left the room whilst the Committee deliberated.

7.12 The Applicant, Interested Party and the Licensing Officer returned to the meeting for the announcement of the decision.

8. DECISION

8.1 After giving consideration to all the written and verbal representations made by the Applicant and after giving proper consideration to the Licensing Objectives, the Sub-Committee, appointed under the Licensing Act 2003, decided to take the following action on the application for a new premises licence under Section 17 of the 2003 Act.

Resolved:

That the application is granted subject to:

- The conditions in the operating schedule which have been amended to include some additional conditions and amendments as detailed below;
- Any mandatory conditions which must be included in the licence; and
- Changes to the proposed timings of the licensable activities (timings in bold represent the changes made):

Live Music (Indoors):

Between 1200 hours and 2300 hours Friday and Saturday.

Recorded Music (Indoors):

Between 1200 hours and 2300 hours Friday and Saturday.

For clarity the application for live and recorded music between the hours of 2300 hours and 2400 hours was refused.

Further conditions imposed by the committee as follows:

Signage in font size of 32 or larger must be conspicuously displayed at the bar and all public exits and must request that customers purchasing alcohol for consumption off the premises do not consume the alcohol in the street.

Business waste collection from the premises is prohibited between 2100 hours and 0900 hours on all days.

During the period from 2100 hours to 0900 hours on any day, it is prohibited to place business waste containing glass, metal, or any other glass receptacles in outdoor areas.

Deliveries of glass bottles, barrels and any other metal and glass receptacles shall not be permitted before 0830 hours and after 1900 hours on any day.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

Signage in font size of 32 or larger must be conspicuously displayed at the bar and all public exits advising customers that drinks are not permitted to be taken outside in accordance with the condition above.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall be encouraged to do so at a designated smoking area defined as

the area to the side of the premises which is adjacent to Corporation Street. This must be done by way of signs in font size of 24 or larger placed at all exits from the premises and must indicate the area that patrons are permitted to use for the purposes of smoking. A designated waste receptacle for the disposal of cigarette butts must be firmly fixed to the building's exterior within the authorised smoking area. This waste receptacle must be emptied on regular basis and in any event, sufficiently enough to avoid the build-up and overflow of waste within it at any time.

All external windows must be closed and remain closed from 2000 hours on any day save for emergency access and egress.

Prominent, clear and legible signage (in not less than 32 font) must be displayed at all exits from the premises requesting the public to respect local residents and to leave the area quietly.

The entrance/exit door(s) shall be fitted with a double door lobby and doors with automatic door-closers that are maintained in good working order to minimise noise break out from the premises.

Authorisation is given to the Licensing Officer to amend these conditions to be consistent with the committee's decision and intentions and only so far as to make the condition enforceable.

The Committee reached the above decision to address the issues and concerns raised and in line with the licensing objectives.

A determination notice would be served on all parties in due course.

There was a right of appeal for all parties before the Magistrates' Court which must be exercised within 21 days on receipt of the Decision Notice.

The meeting commenced at 10.00am and finished at 1.00pm