

Subject:	Determination Hearing – The Commercial Hotel, 1 Manchester Road, Haslingden	Status:	For Publication
Report to:	Licensing Committee	Date:	15 th March 2011 at 2.30pm
Report of:	Director of Business	Portfolio Holder:	Customers, Licensing and Legal
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached:
Biodiversity Impact Assessment	Required:	No	Attached:
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1.	RECOMMENDATION(S)
1.1	<ol style="list-style-type: none"> 1. To advise members of an application to vary a premises licence under section 34 of the Licensing Act 2003, to which representations have been received. 2. To request that members determine the application in accordance with the provisions of the Licensing Act 2003.

2. LICENSING OBJECTIVES

2.1 Members are reminded of the licensing objectives as follows:

- a. The prevention of crime and disorder
- b. Public Safety
- c. The prevention of public nuisance
- d. The protection of children from harm

3. THE APPLICATION

A valid application to vary the premises licence was received by the Licensing Authority on the 25th January 2012 and is appended as **Appendix A.**

3.1 There are some anomalies between the Operating Schedule, which is where the applicant details how he wishes to vary the premises licence, and Page 2 of the forms, which asks him to outline briefly the nature of the variation. For the purposes of this report, the details of the application have been taken from the Operating Schedule.

The applicant seeks to vary the current licence to:

- increase permitted hours for the sale of alcohol, late night refreshment and the provision of regulated entertainment on Fridays, Saturdays and Sundays by an extra hour (from 1am to 2am);
- include boxing and wrestling entertainment between the hours of 7am and 2am Monday to Sunday;

- provide for the sale of alcohol to residents staying at the hotel over a 24 hour period, 7 days a week;
- to vary the hours that the premises are open to the public to 2am Monday to Sunday. This differs from what is mentioned on Page 2 of the application form.
- amend the current condition, which varies the number of door supervisors needed dependent on numbers of customers, to provides for two door supervisors on duty from 2300 hours on Fridays, Saturdays, Christmas Eve, Christmas day, Boxing Day, New Year's Eve, and Sundays prior to Bank Holidays

3.2 Additional conditions, as follows, have been offered within the application to vary the licence, which will become part of the licence;

- To implement a Challenge 23 policy instead of the current 'Challenge 18';
- The condition referring to "children will only be allowed in the premises until 1900 hours and will not be permitted in the bar area" (page 19 of the application form) is to be amended to "children under the age of 18 years shall not be permitted on the premises unless accompanied by a person over the age of 18 years and in any event shall not be permitted in the bar area at any time that the premises are being used for licensable activity."

3.3 The remainder of the additional steps on Page 19 would not be adopted as conditions on the licence.

- The internal structure of the premises has been changed and a new doorway has been constructed from Deardengate. Plans of the premises are appended at **Appendix C.**

4. REPRESENTATIONS

4.1 A representation was received from Councillor D. Stansfield on the 21st February 2012. That representation and supporting documents is appended at **Appendix B.**

4.2 Documents in the bundle that are witness statements made by Graeme John Waring, Michael David Walton, Mathew Leslie Rees and Linda Haywood and are self explanatory. They are dated around October 2006 and are copies of documents used at a review hearing held on the 12th December 2006 brought by Lancashire Constabulary against the premises. They have been used in this instant without the knowledge or consent of the officers concerned or of Lancashire Constabulary. However, they are documents in the public arena and as such are not privileged.

In the opinion of the Licensing Authority, the representation is not frivolous or vexatious.

5. BACKGROUND.

- 5.1 The Premises Licence was granted on the 27th September 2005 after a Determination Hearing. A Review Hearing was held on the 12th December 2006, when additional conditions were added to the premises licence.
- 5.2 The current licence is holder, Grosvenor House Leisure Ltd, became the holder of the licence on the 2nd November 2011, although the application had taken effect since the 13th October 2011. Mr Thompson became the Designated Premises Supervisor on the 23rd November 2011.
- 5.3 Mr Thompson was the 'landlord' of the premises and latterly the Designated Premises supervisor' for a number of years, leaving in May 2009.

POLICY CONSIDERATIONS

The hearing should be guided by the Statement of Licensing Policy of Rossendale Borough Council, which is appended at **Appendix D.**

CONCLUSION

- 6.1 In accordance with Regulation 26(2) of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.
- 6.2 In accordance with section 35(3)(b) the authority must, having regard to the representations made, take such of the steps mentioned at 9.3 (if any) as it considers necessary for the promotion of the licensing objectives.
- 6.3 In accordance with section 35(4) of the Licensing Act 2003, members may take such steps (if any) as mentioned below as it considers necessary for the promotion of the licensing objectives. The steps the members may take are:
- a) Modify the conditions of the licence
 - b) To reject the whole or part of the application.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 6.4 Members should be aware that they cannot reduce the licence to less than what they held before the application to vary.

Background Papers	
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Document	Place of Inspection
None	

Appendices	
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Document	Appendix Number
Application to vary premises licence	<i>Appendix A</i>
Representation from Councillor Stansfield	<i>Appendix B</i>
Plan of Premises	<i>Appendix C</i>
Statement of Licensing Policy	<i>Appendix D</i>