

<b>Subject:</b>	Determination Hearing – The Queens Arms Hotel, 1 Bank Street, Rawtenstall, BB4 7NF.	<b>Status:</b>	For Publication		
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	3 <sup>rd</sup> October 2012 at 2.00pm		
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Environmental Services		
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/>	<b>Special Urgency</b>	<input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required:	No	<b>Attached:</b>	No	
<b>Biodiversity Impact Assessment</b>	Required:	No	<b>Attached:</b>	No	
<b>Contact Officer:</b>	D.G.Dobson	<b>Telephone:</b>	<b>01706 238649</b>		
<b>Email:</b>	<a href="mailto:dannydobson@rossendalebc.gov.uk">dannydobson@rossendalebc.gov.uk</a>				

## 1. RECOMMENDATION(S)

- 1.1 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.
- 1.2 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

- 3.1 A valid application to vary the premises licence was received by the Licensing Authority on the 8<sup>th</sup> August 2012 and is appended as **Appendix A**.
- 3.2 The applicant seeks to vary the current licence to:
  - Sell alcohol between the hours of 1000 hours and 0500 hours Monday to Sunday;
  - Vary the hours that the premises are open to the public to the hours between 1000 hours to 0500 hours Monday to Sunday;
  - Vary the times of regulated entertainment (live music, recorded music, the provision of entertainment facilities for dancing) to the hours between 1000 and 0500 Monday to Sunday ;
  - Vary the provision of late night refreshment to encompass both indoors and outdoors between the hours of 2300 and 0500 Monday to Sunday;
  - Vary a condition on the current licence so that 1 door supervisor will be on duty from 10pm to 11pm on a Saturday, Christmas Eve, Boxing Day and New Year's Eve and a further 3 door supervisors from 11pm until the premises close.
- 3.3 The current licence is appended at **Appendix B** and differentiates between the ground floor and the first floor in terms of hours, whereas the application to vary the licence is in respect of the whole of the premises, treating it as one entity.

The current hours for the sale of alcohol, on and off the premises, are as follows:

Monday 10am to 11pm	First Floor only.
Tuesday 10am to 11pm	First Floor only
Wednesday 10am to 3am	First Floor only
Thursday 10am to 3am	First Floor only
Sunday 12noon to 2am	First Floor only
Monday to Wednesday 10am to midnight	Ground Floor only
Thursday 10am to 2am	Ground Floor only
Sunday 11am to midnight	Ground Floor only
Friday and Saturday 10am to 3am	Both floors

Non standard timings for Christmas Eve, Boxing Day and New Years Eve are between 10am and 3am, with an additional hour at the end of permitted hours on the day when British Summertime commences.

The current hours for the provision of regulated entertainment are as follows:

Wednesday 11am to 3am	First Floor only
Thursday 11am to 3am	First Floor only
Sunday 12noon to 2am	First Floor only
Monday to Thursday 11am to 2am	Ground Floor only
Sunday 12 noon to midnight	Ground Floor only
Friday and Saturday 11am to 3am	Both floors.

Non standard timings for Christmas Eve, Boxing Day and New Years Eve are between 11am and 3am.

The current hours for the provision of late night refreshment( indoors only) are as follows:

Monday 11pm to 11.30pm	First Floor only.
Tuesday 11pm to 11.30pm	First Floor only
Wednesday 11pm to 3.30am	First Floor only
Thursday 11pm to 3.30am	First Floor only
Monday to Wednesday 11pm to 12.30am	Ground Floor only
Thursday 11pm to 2.30am	Ground Floor only
Sunday 11pm to 12.30am	Ground Floor only
Friday and Saturday 11pm to 3am	Both floors.

Non standard timings for Christmas Eve, Boxing Day and New Years Eve are between 11pm and 3am, with an additional hour at the end of permitted hours on the day when British Summertime commences.

The current opening hours of the premises are as follows:

Monday	10am to 1am
Tuesday	10am to 1am
Wednesday to Saturday	10am to 3.30am
Sunday	12 noon to 2.30am

Non standard timings for Christmas Eve, Boxing Day and New Years Eve are between 10am and 3am, with an additional hour at the end of permitted hours on the day when British Summertime commences.

3.4 The current condition which appertains to door supervisors allows for 1 door supervisor on duty between the hour of 10pm and 11pm on Fridays and 2 between 10pm and 11pm on Saturdays, with a further 2 commencing at 11pm until closing time on each of those days. The proposed variation would affect Saturday only between 10pm and 11pm.

#### **4. REPRESENTATIONS**

4.1 A representation was received from Mrs. C Mitchell on the 30<sup>th</sup> August 2012. That representation is appended at **Appendix C.**

4.2 The representation is in the form of an e-mail and relies on the potential breach of the licensing objectives of crime and disorder. In the opinion of the Licensing Authority, the representation is not frivolous or vexatious.

Mrs. Mitchell has returned her copy of the Regulation 8 notice that was served on her to say that she does not intend to attend the hearing nor does she intend to have anyone speak on her behalf.

There have been no other representations from any other person or any Responsible Authority.

#### **5. BACKGROUND.**

5.1 The Premises Licence was granted on the 12<sup>th</sup> September 2005 after a Determination Hearing. Additional conditions were added to the premises licence after a review hearing and a subsequent appeal to Rossendale Magistrates Court on the 19<sup>th</sup> July, 2010..

5.2 The current premises licence holder is David Welford, who is also the Designated Premises Supervisor. Mr Welford has been DPS since July 2007 and the holder of the premises licence since December 2008.

#### **6. POLICY CONSIDERATIONS**

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

#### **7. CONCLUSION**

7.1 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.

7.2 In accordance with section 35(3)(b) the authority must, having regard to the representations made, take such of the steps mentioned at Section 35.4 (if any) as it considers necessary for the promotion of the licensing objectives.

7.3 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.

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

<b>Appendices</b>	
<b>Document</b>	<b>Appendix Number</b>
Application to vary premises licence	Appendix A
Current Premises Licence	Appendix B
Representation from Mrs C. Mitchell	Appendix C
Statement of Licensing Policy	Appendix D