

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

**DATE OF MEETING: 3<sup>rd</sup> October 2012**

**PRESENT: Councillor Hughes (Chair)  
Councillors Eaton and Farrington**

**IN ATTENDANCE: Mrs S Doherty, Assistant Solicitor  
Mr D Dobson, Licensing and Enforcement Officer  
Mrs J Cook, Committee Officer  
Mr D N Welford (Applicant)  
Ms G Sherratt (Applicant's Representative)**

**ALSO PRESENT: Mr J Dalglish, Licensing and Planning  
Enforcement Lead  
Councillor Robertson  
1 Member of public  
1 Member of the press**

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**1. APPOINTMENT OF CHAIRPERSON OF THE SUB-COMMITTEE**

**Resolved:**

That Councillor Hughes be appointed as Chairperson of the Sub-Committee.

**2. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies for absences submitted.

**3. 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 Chairman asked the Applicant and the Applicant's Representative to introduce themselves.

The Licensing and Enforcement Officer noted that Regulation 8 Notices had been served on the Applicant and Mrs Mitchell. Mrs Mitchell had indicated that she did not intend to be present at the hearing.

**4. DECLARATIONS OF INTEREST**

No declarations of interest were made at the meeting.

**5. APPLICATION TO VARY A PREMISES LICENCE  
AT: THE QUEEN'S ARMS HOTEL, 1 BANK STREET, RAWTENSTALL, BB4  
7NF**

**Preliminary Matters**

- 5.1 The Assistant Solicitor asked all parties whether anyone wished to withdraw their representations. It was confirmed that no parties wished to withdraw their representations.

5.2 The members of the panel were advised by the Assistant Solicitor as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the licensing objectives, being:-

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm

5.3 Members were also advised of their duties in carrying out those functions in relation to:-

- a) the Council's published Statement of Licensing Policy
- b) the guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003 which was updated in April 2012

5.4 Also the duty under Section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of the licensing function and the need to prevent crime and disorder.

5.5 The Assistant Solicitor advised members of the panel on amendments to the legislation, being:-

- In accordance with Section 35(3)(b) of the Licensing Act 2003 the authority must, having regard to the representations made, take such steps mentioned at Section 35(4) (if any) as it considers *appropriate* [formerly 'necessary'] for the promotion of the licensing objectives.
- In accordance with Section 35(4) of the Licensing Act 2003, members may take such steps (if any) as mentioned below as it considers *appropriate* [formerly 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

5.6 The panel also had due regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

### **Hearing Process**

5.7 The Licensing and Enforcement Officer presented the report.

5.8 The Applicant had submitted an application for a variation of the premises licence for the Queen's Arms Hotel in Rawtenstall under Section 34 of the Licensing Act 2003. The application was detailed in the report.

5.9 Representations in respect of the application were received within the appropriate period from a Mrs C Mitchell, a local resident. No other representations were received in relation to the application within the appropriate period.

- 5.10 All written representations were contained within the report to the panel. All documentary evidence comprising the application and report were provided to all parties in advance of the Hearing.
- 5.11 Verbal representations were made to the Sub-Committee by the Applicant and the Applicant's Representative.
- 5.12 The Sub-Committee asked questions to the Applicant and the Applicant's Representative.
- 5.13 The Licensing and Enforcement Officer and the Applicant and his Representative were allowed the opportunity to sum up. The Licensing and Enforcement Officer, the Applicant, his Representative and all members of the public and press were asked to leave the room whilst the panel determined the application. The Assistant Solicitor and Committee Officer remained in the room with the Panel.

## **6. DETERMINATION**

- 6.1 In determining the application, the panel gave consideration to the following:-
- Mrs Mitchell's concerns about an extension in hours to 5am and possible increase in anti-social behaviour.
  - Longer hours - more drinking time.
  - Panel concerned about live music and sale of alcohol until 5am.
  - Application includes weekdays as well as weekends being open until 5am.
  - Mrs Mitchell's concerns about noise and disturbance outside the town centre.
  - Mrs Mitchell had not been in attendance at the hearing to amplify concerns or show how they are linked to the premises.
  - Mrs Mitchell lived some distance away from the premises.
  - There had not been any other objections from those living closer to the premises or from responsible authorities.
  - On the evidence before the panel, there was no causal link between Mrs Mitchell's concerns and the premises.
  - Applications for review.

## **7. DECISION:**

- 7.1 After giving careful consideration to all the written and verbal representations made by the Applicant and Applicant's Representative and the written representation made by Mrs Mitchell; and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action in respect of the application to vary a premises licence under Section 34 of the 2003 Act:

- 7.2 The application for variation was granted. The following variations would be made to the premises licence:

1. Alcohol would be sold between the hours of 10:00 hours and 05:00 hours Monday to Sunday;

2. The premises would be open to the public between the hours of 10:00 hours to 05:00 hours Monday to Sunday;
3. The times of regulated entertainment (live music, recorded music, the provision of entertainment facilities for dancing) would be varied to the hours between 10:00 and 05:00 Monday to Sunday;
4. The times for the provision of late night refreshment to encompass both indoors and outdoors would be varied to be between the hours of 23:00 and 05:00 Monday to Sunday;
5. The current licence would be amended so that 1 door supervisor would 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.

- 7.3 The sub-committee would like it to be noted that they did have concerns regarding permitting the sale of alcohol and live music until 5am, however the sub-committee accepted that they were required to make the decision on the information and legislation before them.
- 7.4 The sub-committee reminded the applicant that if any issues arose from this extension of hours, an application could be made to review the licence.
- 7.5 There is a right of appeal for all parties before the Magistrates Court within 21 days of the date of service of this Determination Notice.

**The meeting commenced at 2pm and closed at 2.55pm**