

Subject:	Determination of Application for Review – The Green Squirrel, 148 Manchester Road, Haslingden	Status:	For Publication
Report to:	Licensing Sub Committee	Date:	Thursday 29 th November 2012 at 6.00pm
Report of:	Director of Business	Portfolio Holder:	Customers, Legal and Licensing
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:	
Contact Officer:	Tracy Brzozowski	Telephone:	01706 238602
Email:	tracybrzozowski@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	To advise members of an application to review a premises licence under section 51 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 Section 52 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 Environmental Health submitted an application to review the premises licence and this was received by the Licensing Authority on the 5th October 2012 and is appended as **Appendix A**. Appended at **Appendix A1** is a witness statement of the Police Licensing Sergeant Michelle Dixon.

3.2 The application is based on the licensing objective of the prevention of public nuisance.

4. REPRESENTATIONS

4.1 Since the receipt of the application to review the premises licence, notices have been displayed on the exterior of the premises for a period of 28 days and five further representations have been received by the Licensing Authority.

- 4.2
- Appended at **Appendix B** is a representation from JS
 - Appended at **Appendix C** is a representation from MD
 - Appended at **Appendix D** is a representation from AS & GS
 - Appended at **Appendix D1** are the noise records of AS
 - Appended at **Appendix E** is a representation from AW & MW
 - Appended at **Appendix F** is a representation from Cllr Granville Morris.

The representations do not appear to be frivolous or vexatious and the grounds are not repetitious

5. BACKGROUND.

- 5.1 The Premises Licence was granted on the 28th August 2005 and at that time the premises were known as The Crown.
- 5.2 The current licence holder is a company called The Little Crown Ltd, who became the licence holder on the 16th February 2011. The current Designated Premises Supervisor is Stephen David Sourbutts, who is also a director of The Little Crown Ltd.
- 5.3 The current Premises Licence is appended at **Appendix G.** There are some minor variations for Christmas and New year's Eve but essentially it provides for the sale of alcohol on and off the premises, the exhibition of films, indoor sporting events and the playing of recorded music during the following times;

Sunday to Thursday 10am to 1am.

Friday and Saturday 10am to 2am.

In addition the performance of live music and entertainment of a similar description can take place during the following times;

Monday to Sunday 10am to 11pm.

The premises are allowed to remain open to the public for an additional hour at the end of permitted hours for alcohol sales.

There are a number of conditions attached to the premises licence, the significant ones are as follows:

- *There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.*
- *All external windows shall be kept closed when regulated entertainment is being provided from 2200 hours*
- *When regulated entertainment is provided by way of live music, a maximum of two performers at any one time shall be permitted to perform in the licensed area.*

On Monday 18th June 2012 a mediation meeting took place at Waterfoot Police Station between a number of local residents and Mr Sourbutts. Also present was PC Driver, the Police Licensing Officer and Mr Dobson, the Licensing and Enforcement Officer. The residents outlined the problems they were encountering and there was an amicable exchange of views amongst the parties. Mr Sourbutts elected to try out the following measures in an effort to resolve the problems;

- Sound inhibitor installed so that music levels could be regulated by the management to acceptable levels,
- Regular external checks by management to assess the level of noise heard outside the premises
- Staff deployed at the side door to control people leaving into the smoking area with drink,
- Speak to regular customers and make them aware they should leave quietly,
- Ensure windows and doors are closed when live music is taking place,(already a condition)
- Contact local taxi companies and ensure their drivers to not sound their horns,

- Engage with Rossendale Council to purchase and fence off the area at side of the premises.

6. POLICY CONSIDERATIONS

6.1 The hearing should be guided by the Statement of Licensing Policy of Rossendale Borough Council.

7. CONCLUSION

7.1 In accordance with Regulation 26(1) of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within five working days of the conclusion of the hearing.

7.2 In accordance with Section 52(3) the authority must, having regard to the representations made, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

7.3 In accordance with Section 52(4) of the Licensing Act 2003, the steps are -

- a) to modify the conditions of the licence;
- b) To exclude a licensable activity from the scope of the licence;
- c) To remove the designated premises supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence.

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

Background Papers	
Document	Place of Inspection
Statement of Licensing Policy of Rossendale Borough Council,	<i>Licensing and Enforcement Unit</i>

Appendices	
Document	Appendix Number
Application to review the premises licence from Environmental Health	Appendix A
Statement of Michelle Dixon	Appendix A1
Representation from JS	Appendix B
Representation from MD	Appendix C
Representation from AS and GS	Appendix D
Noise records of AS	Appendix D1
Representation from AW and MW	Appendix E
Representation from Cllr Granville Morris	Appendix F
Premises Licence	Appendix G