

Subject:	Determination Hearing – Application for Premises Licence for The Whitaker – Rossendale Museum and Art Gallery	Status:	For Publication
Report to:	Licensing Sub-Committee	Date:	26 th September 2013
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:	No
Biodiversity Impact Assessment	Required: No	Attached:	No
Contact Officer:	Danny Dobson	Telephone:	01706 238649
Email:	dannydobson@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	To advise members of an application for a premises licence under section 17 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 for a premises licence under the Licensing Act 2003 was received on the 2nd August 2013 from the applicants Julian Mansell Williams Mathew and Carl Francis Raymond Bell. The application is attached as **Appendix A**. On the 15th August, 2013, an e-mail was received from the applicants asking that their application be amended to reflect that the terminal hour for the performance of live music played outside be changed to 2300 hours instead of 2400 hours.

The applicants seek a premises licence for the Whitaker – Rossendale Museum and Art Gallery and Whitaker Park (shown on the plan attached to the application) which is effectively the whole of the park, to enable them to conduct the following licensable activities:

- The performance of a play between the hours of 1000 and 2300 Monday to Sunday inclusive
- The exhibition of films between the hours of 1000 and 2300 Monday to Sunday inclusive.
- Live music between the hours of 1000 and 2400 Monday to Sunday inclusive inside the building and to 2300 hours outside the building.

- Recorded music between the hours of 1000 and 2400 Monday to Sunday inclusive.
- Performance of Dance; anything of a similar description to live, recorded or the performance of dance; the provision of facilities for making music or dance and anything of a similar description to those, between the hours of 1000 and 2400 Monday to Sunday.
- The provision of late night refreshment between the hours of 2300 and 2400 Monday to Sunday inclusive.
- The supply of alcohol for consumption on and off the premises between the hours of 1000 and 2400 Monday to Sunday inclusive.
- The opening hours of the premises will be between the hours of 0700 to 2400 on Monday to Sunday inclusive.
- The application states that the Designated Premises Supervisor will be Julian Mansell Williams, who is a personal licence holder.
- The application also describes a number of steps that they intend to take to promote the four licensing objectives and which would form part of the premises licence if it were granted. Some of those steps would be shown as conditions – the Challenge 25 policy and CCTV – the remainder of the steps offered are too vague to form conditions.

4. REPRESENTATIONS.

- 4.1 A representation was received from G. Skilling and P.H. Skilling on the 23rd August 2013 2012. That representation is deemed to be valid and was received within the statutory period. It is appended at **Appendix B**. However, the Committee should note that Paragraph 3 of the representation refers to a possible breach of a deed and, because the matter does not fall under one or more of the licensing objectives, the Committee should not take it into account when determining this application.

5. BACKGROUND

- 5.1 The 'premises' to which the applications refers is the open area of Whitaker Park and the museum building. Plans submitted with the application are attached at **Appendix A**.
- 5.2 In discussions with the applicants they say that their intention is to be able to serve alcohol alongside food within the building and to have the ability to hold occasional events in the park itself, which will be in keeping with the core business as a museum and art gallery.
- 5.3 The applicants had discussions after the submission of this application with the Environmental Health Department and, as a result, they amended the terminal hour they initially wished for live music in the outside area from midnight to 11pm.

6. POLICY CONSIDERATIONS.

- 6.1 The hearing should be guided by the Statement of Licensing Policy of Rossendale Borough Council, and any relevant provisions of national guidance. Reasons should be given from any departure.

7. CONCLUSION

- 7.1 The decision should be based on the individual merits of the application. 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 18(3) the authority must, having regard to the representations made, take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are :

- To grant the licence subject to the conditions mentioned in subsection 2(a) modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and any condition which must under sections 19,20 or 21 of the Act be included in the licence:
- To exclude from the scope of the licence any of the licensable activities to which the application refers;
- To refuse to specify a person in the licence as the premises supervisor;
- To reject an application.

7.3 If any of the above steps are not considered appropriate, you should grant the licence.

Appendices	
Document	Appendix Number
Application Form and e-mail	Appendix A
Representation G. Skilling and P.H. Skilling	Appendix B