

Subject:	Determination of Application for Review – The Station Hotel, 505 Helmshore Road, Haslingden, BB4 4JR	Status:	For Publication
Report to:	Licensing Sub Committee	Date:	Monday 29 th September 2014 at 1.30pm
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:
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1. RECOMMENDATION(S)

- 1.1 To advise members of an application to review a premises licence under section 51 of the Licensing Act 2003.
- 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 The Environmental Health Department of Rossendale Borough Council submitted an application to review the premises licence which was received by the Licensing Authority on the 12th August 2014 and is appended as **Appendix A.**
- 3.2 The application is based on the licensing objective of the prevention of public nuisance.
- 3.3 Environmental Health submitted an application to review this premises licence on 17th December 2013, however, the determination hearing did not take place due to a technical issue with the serving of the review application.

4. REPRESENTATIONS

- 4.1 Since the receipt of the application to review the premises licence, statutory notices have been displayed for a period of 28 days in accordance with the requirements of the Licensing Act 2003.

- 4.2 During the 28 day representation period further representations have been received by the Licensing Authority.
- 4.3 There was one letter of objection which is signed as being from the residents of Limewood Close, West View and Helmshore Road which is appended as **Appendix C**. There are however a number of letters from residents of Limewood Close, West View and Helmshore Road who support the running of the premises and have submitted separate representations.
- 4.4 There have been numerous letters of support submitted via Licensing Matters, the representative of the licence holder and these are appended at **Appendix D**
- 4.5 Several independent representations have been received by the Licensing Authority and these support the premises in its current operation which are appended as **Appendix E**.
- 4.6 A separate petition has been submitted by the licence holders representative. This petition reflects signatories some of who have submitted relevant representations and there is therefore some duplication within the petition which is appended at **Appendix F**
- 4.7 Committee should determine whether this petition is a relevant representation and if so how much weight to place on this petition.
- 4.8 In total there is 1 representation which raises an 'objection' and 68 representations which support the running of the premises. The petition has a total of 796 signatures in support of the premises. The representations are all self-explanatory.
- 4.9 In response to the application and for clarification the Licensing Authority have contacted the police who have responded with a list of incidents they have responded to at the premises and their opinion on the operation of the premises. This is appended as **Appendix G**
- 4.10 Each of the persons making representations become 'interested parties' to these proceedings and as such, the relevant documents have been served on each of them. A list will be available prior to the hearing outlining those persons who have indicated that they will attend the hearing and/or wish to speak at the hearing.

5. **BACKGROUND.**

- 5.1 The Station Hotel has been a public house for many years and has a car park to the rear and a beer garden at the side of the premises. The premises are adjacent to a main road and to the rear is an estate of detached dwellings.
- 5.2 The current licence holder is Nicola Barcroft, who became the licence holder on the 3rd February 2011. She is the current Designated Premises Supervisor and has been so since the 2nd June 2009.
- 5.3 The current Premises Licence is appended at **Appendix B**. There are some minor variations for Christmas, New Year's Eve and bank holidays but essentially it provides for the sale of alcohol on and off the premises during the following times;

Sunday to Thursday 9am to 11pm.

Friday and Saturday 9am to 1am.

In addition the performance of live music (indoors), can take place during the following times;

Monday to Thursday 11am to 11pm.

Friday and Saturday 11am to 12.30am.

Sunday 12 noon to 11pm.

The playing of recorded music and the provision of facilities for dancing (indoors), can take place during the following times

Monday to Thursday 11am to 11pm

Friday and Saturday 11am to 1am

Sunday 12 noon 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 on Friday and Saturday and for an additional 30 minutes on Sunday to Thursday.

There are a numerous conditions attached to the premises licence, the significant ones relevant to this application 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 and their vehicles to leave the premises and the area quietly.*
- *All external windows and doors shall be kept closed when regulated entertainment is in progress.*
- *The beer garden and any other area provided for the consumption of alcohol shall be closed to the public at 2300 hours each day.*
- *The licence holder or his representative shall conduct regular assessments of the noise from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the result including any remedial action.*

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 at 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
Premises Licence	Appendix B
Letter of Objection	Appendix C
Letters of Support received via Gill Sherratt, Representative of the Licence Holder	Appendix D
Independent Letters of Support from Residents	Appendix E
Petition in Support of Premises	Appendix F
List of Police Incidents at the premises	Appendix G