

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

DATE OF MEETING: 6th November 2014

PRESENT: Councillors Gill (Chair), Cheetham and Farrington

**IN ATTENDANCE: Ms C Birtwistle, Legal Advisor
Mr D Dobson, Licensing Officer
Mrs J Cook, Hearing Administrator
Ms A M Fogg, Applicant
Councillor T Haworth (Observing)
0 Members of the Public
0 Press**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

2. 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 to introduce themselves.

It was noted that Mr Andrew Mitchell, who had raised objections to the application, had returned his Regulation 8 form indicating that he was unable to be present at the Hearing.

3. DECLARATIONS OF INTEREST

No declarations were made.

**4. APPLICATION FOR A PREMISES LICENCE
AT: 227 BACUP ROAD, RAWTENSTALL**

Preliminary Matters

4.1 The Legal Representative asked all parties whether anyone wished to withdraw their representations. It was confirmed that no parties wished to withdraw their representations.

4.3 The members of the panel were advised by the Legal Advisor 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

- 4.4 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
- 4.5 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.
- 4.6 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.

5. HEARING PROCESS

- 5.1 The Licensing and Enforcement Officer presented the report which detailed an application for a premises licence, submitted by Anne Maria Fogg. It was noted that following the initial application, the Applicant had spoken with the Police. As a result of this, she had added a further 3 conditions to the application relating to notices displayed for under age purchases, staff training and a Challenge 25 Policy, all of which now formed part of the application.
- 5.2 The Licensing and Enforcement Officer outlined the statutory processes that had taken place prior to the hearing and informed members of the representations that had been received and appended to the committee report.
- 5.3 The Licensing and Enforcement Officer outlined the proposed application for a premises licence for the ground floor retail premises situated at 227 Bacup Road, Rawtenstall to conduct the following licensable activities:-
- The supply of alcohol for consumption on the premises between the hours of 11.30am until midnight on a Thursday and Friday and 9am until midnight on a Saturday and Sunday. In addition, on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and February 14th (when those days fell on a day other than Thursday to Sunday).
 - The provision of late night refreshment between the hours of 11pm and midnight on Thursday to Sunday inclusive.
 - The opening hours of the premises will be between the hours of 1130 to 2400 on Thursday to Sunday inclusive.
 - The applicant offers herself as the Designated Premises Supervisor but at this time is not a Personal Licence Holder. (If the licence is granted there can be no sale of alcohol until a DPS is nominated).
 - 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, staff training and notices asking customers to leave quietly.
- 5.4 The Licensing Officer noted that there had been a representation from Mr Andrew Mitchell, which was appended at Appendix B to the report. The

representation had raised objections to the application. The Licensing Officer highlighted the matters raised within the representation that the Committee were required to disregard, as these were not based on any of the licensing objectives.

The Applicant

- 5.5 The Applicant addressed the Committee and stated that this was an investment into a business with her son to provide good quality food, wine and coffee. It was anticipated that around 60 covers would be served on Friday/Saturday nights.
- 5.6 The Applicant hoped to create approximately two jobs locally and it was noted that this was a new concept that could possibly move to larger premises in Rawtenstall, if successful.
- 5.7 Members asked questions of the Applicant and clarification was given:-
- It was clarified that the area was not one of huge footfall.
 - No objections had been received from the properties opposite the premises.
 - The Applicant was prepared to provide separate toilet facilities for staff and customers at an estimated cost of £7k if Environmental Health deemed this necessary.
 - It was noted that there was an alternative person who could be the Designated Premises Supervisor if necessary.
 - The hospitality experience of the Applicant's son was outlined.

6. FINAL STATEMENTS

- 6.1 No final statements were made.
- 6.2 The Applicant, Officer and the Councillor in attendance left the room to enable Members to determine the application. The Legal Advisor and the Hearing Administrator remained in the room with Members.

7. DETERMINATION

- 7.1 In determining the application, the panel gave consideration to the following:-
- The sale of alcohol with meals only and no allowing unsealed drinks off the premises.
 - The applicant's experience in the hospitality industry.
 - Plans for the separate toilets.
 - The Legal Advisor gave clarification on the 9am proposed on the application.

8. DECISION:

- 8.1 After giving consideration to all the written representations and verbal representations made by the Applicant and the Interested Party; 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 for a premises licence under Section 17 of the 2003 Act:-

Resolved:-

That the Licence is granted subject to the conditions proposed on the operating schedule, any mandatory conditions which must be included in the licence and additional conditions as follows:-

- Alcohol shall only be sold or supplied to persons taking table meals
- No drink shall be removed from the premises in an unsealed container

The additional conditions are considered necessary are necessary to promote the following licensing objectives:-

- Prevention of Crime & Disorder
- Protection of Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The meeting commenced at 10am and closed at 10.40am