

<b>Subject:</b>	Determination Hearing – Application for Variation of Premises Licence for Pearsons, 2 The Parade, Helmshore, Rossendale, BB4 4HD	<b>Status:</b>	For Publication
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	Thursday, 9 <sup>th</sup> April at 2pm
<b>Report of:</b>	Legal Services Manager	<b>Portfolio Holder:</b>	Customers, Legal and Licensing
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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## 1. RECOMMENDATION(S)

- 1.1 1. To advise members of an application for a premises licence under section 34 of the Licensing Act 2003, to which representations have been received.
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 to vary the premises licence in respect of the premises known as Pearsons situated at 2 The Parade, Helmshore, Rossendale, was received on 17<sup>th</sup> February 2015. The application is appended at **Appendix A**.
- 3.2 The application seeks to increase the hours during which the sale of alcohol, live music and recorded music may take place.
- 3.3 The application proposes an increase in the sale of alcohol until 2300 hours Monday to Sunday.
- 3.4 The application proposes to add live music between 1800 hours and 2300 hours Thursday to Sunday. Members should note that live unamplified music between 0800 hours and 2300 hours is exempt as a licensable activity.
- 3.5 The application proposes to add recorded music between 0900 hours and 2300 hours

Monday to Sunday. Members should note that background music between 0800 hours and 2300 hours is exempt as a licensable activity.

- 3.6 The application proposes to add late night refreshment between 0900 hours and 2300 hours Monday to Sunday. Members should note that late night refreshment is not a licensable activity between 0500 hours and 2300 hours.
- 3.7 The application to vary the premises licence therefore seeks to vary the hours during which the supply of alcohol can take place.
- 3.8 The application proposes additional conditions which will be added to the licence if this application is granted. These conditions relate to:
- CCTV installed at the premises; and
  - Member of pubwatch scheme

#### **4. REPRESENTATIONS.**

- 4.1 A representation was received on 2<sup>nd</sup> March 2015 from a person who may make a representation under the Act. The representation was received within the statutory period and was deemed a “relevant representation” and is appended at **Appendix B**.

The Committee should note that some of the issues raised in the representation are not based on any of the four licensing objectives and should therefore not be considered in your deliberations.

In particular it should be noted :

- The parking of vehicles is not a subject that you can consider.

- 4.2 A representation was received on 11<sup>th</sup> March 2015 from a person who may make a representation under the Act. The representation was received within the statutory period and was deemed a “relevant representation” and is appended at **Appendix C**. The person making this representation purports to represent the neighbours in the vicinity, however, at the time of writing this report, satisfactory evidence of this has not been provided and members should note that Appendix B is made by a neighbour living in the vicinity of the premises.

- 4.3 There have been no representations made by any of the responsible authorities.

#### **5. BACKGROUND**

- 5.1 A premises licence in respect of this premises was first granted on 10<sup>th</sup> September 2014. There have been no reviews on this licence since its grant.
- 5.2 The premises licence currently authorises the activities detailed below and shows the proposed activities and hours alongside.

<b>Activity</b>	<b>Days</b>	<b>Current Hours</b>	<b>Proposed Hours</b>
Supply of alcohol	Monday to Sunday	0900 – 2000 hours	0900 – 2300 hours
Opening Hours	Monday to Sunday	0900 – 2030 hours	0900 – 2300 hours

- 5.3 The representation detailed at 4.2 and appended as Appendix C makes reference to the Police being called out to the premises in respect of noise pollution and late night drinking. To assist the Licensing Authority, the Licensing department requested details of this call from the Police. The police log referred to a complaint of a party at the premises and officers arrived within a short time of the call and found the premises locked up and in darkness.
- 5.4 The Police Licensing Officer, PS Middleton, spoke with the owner of the premises who conducted her own internal enquiries. PS Middleton was advised that a staff member had used a key to gain access to the premises. That staff member has since been dismissed and a review of the key holder arrangements for the business was undertaken.
- 5.5 Members should note that the Police have not made representation on this application and the information provided at 5.3 and 5.4 is offered as a response to the department's request for clarification on this item raised by the person making representation in order to assist the Authority in this process.
- 5.6 The premises licence currently has the mandatory conditions attached to it, as well as the following conditions:

Persons who appear to be under the age of 25 years shall be required to produce proof of age by way of one of the following:

- A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
- Photo driving licence
- Passport

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

The licence holder will have the responsibility of ensuring that a refusals register is maintained at the premises to record all instances where sales of alcohol are challenged or refused. The licence holder will check the register on a regular basis to ensure that it is maintained correctly and such register shall be made available for inspection upon request by an Authorised Officer or Police Constable.

No nuisance shall be caused by noise coming from the premises.

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.

The licence holder shall ensure that notices are displayed prominently within the main public area of the premise advising that customers are not permitted to leave the premises with any glasses or bottles of alcohol. Staff will ask customers to return any glass or bottles of alcohol to the premises if required.

## **6. POLICY CONSIDERATIONS.**

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 35(4) 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 modify the conditions of the licence;
- To reject the whole or part of the application

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

7.3 If any of the above steps are not considered appropriate, you should grant the application with or without modified conditions.

### **Appendices**

<b>Document</b>	<b>Appendix Number</b>
Application Form to vary premises licence	<b>Appendix A</b>
Representation	<b>Appendix B</b>
Representation	<b>Appendix C</b>