

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

DATE OF MEETING: 9th April, 2015

PRESENT: Councillors Gill (Chair), Crawforth and Eaton

**IN ATTENDANCE: Ms C Birtwistle, Legal Advisor
Ms S Chadwick, Licensing Officer
Ms M Hargreaves, Hearing Administrator
Mrs A Wrench, Trainee Solicitor
Ms G McKenzie, Applicant
Ms D Pickavance, Attending with Applicant**

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 and the party attending with the Applicant to introduce themselves.

3. DECLARATIONS OF INTEREST

No declarations were made.

**4. APPLICATION FOR A VARIATION OF A PREMISES LICENCE
AT: PEARSONS, 2 THE PARADE, HELMSHORE, ROSSENDALE, BB4 4HD**

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.

4.2 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

4.3 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

4.4 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.

4.5 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 Officer presented the report which detailed an application to vary a premises licence, submitted by Georgina McKenzie.

5.2 The Licensing 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 Officer outlined the proposed application to vary a premises licence for the variation of a premises licence at Pearsons, 2 The Parade, Helmshore, Rossendale, BB4 4HD which was as follows-

- The sale of alcohol until 2300 hours Monday to Sunday
- 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 was exempt as a licensable activity.
- 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 was exempt as a licensable activity.
- The application proposes to add late night refreshment between 0900 hours and 2300 hours Monday to Sunday. Members should note that late night refreshment was not a licensable activity between 0500 hours and 2300 hours.
- The application to vary the premises licence therefore seeks to vary the hours during which the supply of alcohol can take place.

5.4 The Licensing Officer noted that it was only the variation of hours for sale of alcohol which was a licensable activity.

5.5 It was noted that two representations had been received and these were appended with the report. The Licensing Officer clarified that one of the representations represented three individuals, however it was noted that one of these had since withdrawn their objection. The Panel was made aware that the withdrawn representation was not rescinded within the relevant timescale and therefore remained as a representation.

5.6 The Licensing Officer stated that one of the representations had referred to the police incident detailed at 5.3 of the report. It was clarified that the

Licensing Unit had requested this information and the Police had not made representation on the application.

The Applicant

- 5.7 The Applicant addressed the Committee and stated that the premises had opened on the 4th October, 2014.
- 5.8 The Applicant confirmed that originally the premises had opened to sell coffee and alcohol up until 8pm but it had become apparent from custom and cliental that places to socialise were limited other than venturing out of the village.
- 5.9 It was noted that there was CCTV cameras and Challenge 25 currently in place and that there had been no complaints other than the incident on 28th February, 2015 which was outlined in detail to the panel. It was confirmed the member of staff involved in this incident subsequently had their employment terminated.
- 5.10 There had been no incidents of violence, vandalism or anti-social behaviour and it was felt the CCTV installed had deterred this.
- 5.11 The Applicant wanted to provide a place in the community for local people to enjoy along with using local produce and employing local staff.
- 5.12 Members asked questions of the Applicant and clarification was given:-
- Facility for smokers to place used cigarettes
 - It was noted the incident referred to at 5.3 of the report had been clarified

Interested Party

- 5.13 There was no attendance from any Interested Party.

6. FINAL STATEMENTS

- 6.1 The party attending with the Applicant confirmed that she had lived near to the location of Pearsons for 15 years and since the premises had opened, anti-social behaviour had reduced.
- 6.2 The Applicant noted that the premise was located within dense housing and no-one apart from the representations included within the report had objected to the application.
- 6.3 The Applicant, the party attending with the Applicant and the Legal Officer in attendance left the room to enable Members to determine the application. The Legal Advisor, Hearing Administrator and Trainee Solicitor remained in the room with Members.

7. DETERMINATION

- 7.1 In determining the application, the panel gave consideration to the following:-
- Popular business
 - CCTV already installed
 - Conditions relating to CCTV

- The Pub Watch Scheme

8. DECISION:

8.1 After giving consideration to all the written and verbal representations made today, by the applicant and the interested parties; and after giving proper consideration to the Licensing Objectives, we the Sub-Committee appointed under the Licensing Act 2003 have decided to take the following action on the application to vary a premises licence under Section 34 of the 2003 Act

We have resolved:

That the application for the variation of the premises licence be granted subject to conditions already imposed on the licence and conditions imposed by this hearing which are as follows:

A tamper proof CCTV system shall be installed, maintained and operated at the premises in liaison with and to the satisfaction of Lancashire Constabulary and shall be used to record during all hours that the premises are open to the public.

The images recorded by the CCTV system shall be retained in unedited for a period of not less than 31 days.

Information and images from the CCTV system shall be made available to an Authorised Officer or Police Constable upon request.

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

It was noted that the Applicant was currently part of the Pub Watch Scheme.

The meeting commenced at 2.00pm and closed at 2.35pm