

<b>TITLE:</b>	<b>LICENSING ACT 2003 DETERMINATION MARL PITS SPORTS COMPLEX, RAWTENSTALL</b>
<b>TO/ON:</b>	<b>LICENSING DETERMINATION SUB-COMMITTEE, TUESDAY, 9<sup>TH</sup> MAY 2006</b>
<b>BY:</b>	<b>SUSAN CHADWICK LICENSING MANAGER</b>
<b>STATUS:</b>	<b>FOR PUBLICATION</b>

**1. PURPOSE OF THE REPORT**

- 1.1 To advise elected members of a required determination of an application for the grant of a Premises Licence under Section 18 of the Licensing Act 2003.

**2. RECOMMENDATIONS**

- 2.1 Members are recommended to make a determination within the period of five working days beginning with the day or the last day on which the hearing is held as required by Regulation 26(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

**3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION**

- 3.1 On 13<sup>th</sup> March 2006, the Licensing Authority received an application from Rossendale Leisure Trust for the grant of a Premises Licence. This application is appended at Appendix A.

- 3.2 Rossendale Leisure Trust has applied for the following licensable activities to take place outdoors, between the hours of 9am to 9pm, Monday to Thursday and 9am to 10pm Friday to Sunday:

- a) Plays
- b) Films
- e) Live music
- f) Recorded music
- g) Performances of dance
- h) Anything of a similar description to that falling within (e), (f) or (g)
- i) Facilities for making music
- j) Facilities for dancing
- k) Facilities for entertainment of a similar description to that falling within (i) or (j).

- 3.3 Rossendale Leisure Trust has not applied for the supply of alcohol.

- 3.4 The Licensing Authority received a petition on 7<sup>th</sup> April 2006 and this is appended at Appendix B.
- 3.5 All signatories on the petition were requested to complete representation forms in order to clarify the grounds of their objection and for the purposes of determining the validity of the representations.
- 3.6 From this, one representation has been withdrawn and I have declared another to be invalid.
- 3.7 Marl Pits Sports Complex is an open space of approximately 18 hectares. The premises consist of a running track, football and rugby pitches, netball courts and swimming pool.
- 3.8 Members are requested to note that within the Sports Complex, there are two separately licensed premises. These are the Marl Pits Swimming Pool and the Rossendale Sports Club.
- 3.9 Members are respectfully reminded that these premises should not be considered in this determination. Any relevant issues arising from these premises must be considered in separate reviews of the appropriate licences if required and requested by a responsible authority or interested party.
- 3.10 A map illustrating the premises and relevant representations is appended at Appendix C.
- 3.11 Members are also reminded that whilst the relevant representations contain material which relates to the four licensing objectives, they do also contain material which is outside of the Licensing Act 2003 scope as they discuss issues which are not relevant to the licensing objectives. All irrelevant material in the representations must be disregarded.
- 3.12 A list of all representations and relevant appendix references are appended at Appendix D.

#### **4. LEGAL IMPLICATIONS ARISING FROM THE REPORT**

- 4.1 Members are reminded that they must follow the rules of natural justice and they are bound by the Code of Conduct for Elected Members in licensing applications.
- 4.2 Members are reminded of the consideration they should give to the Human Rights Act 1998 in particular those rights afforded by Article 6 (right to a fair hearing), Article 1 of the First Protocol (protection of property) and Article 8 (right to respect for private and family life).
- 4.3 Members are reminded that they should have read or should hear all the facts prior to making a determination.
- 4.4 Members are asked to make a determination and state the reasons for that determination.

## **5. COMMITTEE DECISION**

- 5.1 The Committee should consider the representations referred to at paragraphs 3.5 and 3.12 as well as any submissions which are made by or on behalf of the applicant.
- 5.2 Having considered all relevant facts, the Committee is empowered to take any of the following steps which are necessary to promote the licensing objectives:
- a. to grant the licence subject to:
    - i) the conditions consistent with the operating schedule modified to such extent as the authority considers necessary to promote the licensing objectives, and
    - ii) any mandatory condition which must be included in the licence
  - b. to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - c. to reject the application

## **6. WARDS AFFECTED**

- 6.1 The premises are situated within the Hareholme ward and no other ward is likely to be affected. The ward councillor(s) are not members of the sub committee.

For further information on the details of this report, please contact:

**Susan Chadwick, Licensing Manager (01706) 242 336**

**Background documents-**

**Statement of Licensing Policy**