

<b>Subject:</b>	Determination Hearing – Application for Premises Licence for 125 Blackburn Road, Haslingden	<b>Status:</b>	For Publication
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	3 <sup>rd</sup> May 2016
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Legal and Democratic Services
<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>Community Impact Assessment:</b>	Required: No	<b>Attached:</b>	No
<b>Biodiversity Impact Assessment</b>	Required: No	<b>Attached:</b>	No
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1.	<b>RECOMMENDATION(S)</b>
1.1	<ol style="list-style-type: none"> <li>1. To advise members of an application for a premises licence under section 17 of the Licensing Act 2003, to which representations have been received.</li> <li>2. To request that members determine the application in accordance with the provisions of the Licensing Act 2003.</li> </ol>

## 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 for a premises licence under the Licensing Act 2003 was received on 14<sup>th</sup> March 2016 from the applicant Haslingden Bar & Grill Limited. The application is appended at **Appendix A**. After the initial application, the applicant had a discussion with the Police and as a result a further 3 conditions were added to the application – relating to notices displayed for under age purchases, staff training and a ‘Challenge 25’ policy. Those additional conditions are shown at **Appendix A** at the rear of the application and now form part of the application.

The applicant seeks a premises licence for ground floor retail premises situated at 227 Bacup Road, Rawtenstall. to enable her 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 14<sup>th</sup> (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.

3.2 The applicant seeks to licence the ground floor of the premises situated at 125 Blackburn Road, Haslingden, BB4 5HL to enable them to conduct the following licensable activities:

**Live Music, Performance of Dance, Anything of a similar description, Provision of facilities for making music**

Between 1900 hours and midnight Monday to Sunday; and  
Between 1900 hours and 0200 hours on New Year's Eve

**Recorded Music, Provision of facilities for dancing, Provision of facilities for entertainment of a similar description and the supply of alcohol**

Between 0900 hours and midnight Sunday to Wednesday  
Between 0900 hours and 0100 hours Thursday  
Between 0900 hours and 0200 Friday and Saturday  
From the start of permitted hours on New Year's Eve to the start of permitted hours on the following day.

**Late night refreshment**

Between 2300 hours and midnight Sunday to Wednesday  
Between 2300 hours and 0100 Thursday  
Between 2300 hours and 0200 hours Friday and Saturday  
From the start of permitted hours on New Year's Eve to the start of permitted hours on the following day.

**Hours the premises are open to the public**

Between 0900 hours and midnight Sunday to Wednesday  
Between 0900 hours and 0100 hours Thursday  
Between 0900 hours and 0200 Friday and Saturday  
From the start of permitted hours on New Year's Eve to the start of permitted hours on the following day.

It should be noted that live music on licensed premises between the hours of 8am and 11pm on premises licenced for the sale of alcohol is not licensable, nor is recorded music played as background music.

3.3 The applicant describes the premises as a large restaurant within 5 a minute walk of the town centre. It describes further – waiter service restaurant/bar caters for diners with background music. Functions such as tribute acts/bands, belly dancers, traditional Turkish music, instrumental music and occasional D.J. for wedding functions or similar. Bar serving alcohol in lounge and at dining tables and outside in the court-yard when weather permits. Full details can be viewed on page 4 of the application form appended at **Appendix A.**

3.4 The premises was previously licensed until 15<sup>th</sup> October 2015 when the licence holder surrendered the licence. The company running the business from the premises became insolvent.

The previous premises licence authorised regulated entertainment by means of live and recorded music until 2300 hours (recorded music until 2330 hours on Fridays and Saturdays) and the supply of alcohol until 2330 hours Monday to Sunday.

#### **4. REPRESENTATIONS**

4.1 A representation was received from a resident of Spring Lane, Haslingden on the 6<sup>th</sup> April 2016. That representation is deemed to be valid and was received within the statutory period. It is appended at **Appendix B**. However, 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.

#### **5. BACKGROUND**

5.1 The premises was previously licensed until 15<sup>th</sup> October 2015 when the licence holder surrendered the licence. The company running the business from the premises became insolvent.

The previous premises licence authorised regulated entertainment by means of live and recorded music until 2300 hours (recorded music until 2330 hours on Fridays and Saturdays) and the supply of alcohol until 2330 hours Monday to Sunday.

#### **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.

In accordance with Section 18(3) 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 grant the licence subject to the conditions mentioned in subsection 2(a) modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and any condition which must under sections 19,20 or 21 of the Act be included in the licence;
- To exclude from the scope of the licence any of the licensable activities to which the application refers;
- To refuse to specify a person in the licence as the premises supervisor;
- To reject an application.

If any of the above steps are not considered appropriate, you should grant the licence.

<b>Background Papers</b>	
Document	Place of Inspection
Policy	Licensing and Enforcement Unit <a href="http://www.rossendale.gov.uk">www.rossendale.gov.uk</a>

<b>Appendices</b>	
Document	Appendix Number
Application Form	Appendix A
Representation	Appendix B