

Subject:	Determination Hearing –Application for Premises Licence for 801 Burnley Road, Crawshawbooth	Status:	For Publication
Report to:	Licensing Committee	Date:	Tuesday, 29 th November 2016
Report of:	Licensing & Enforcement Unit Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Susan Chadwick	Telephone:	01706 238 648
Email:	susanchadwick@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	<p>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.</p> <p>2. To request that members determine the application in accordance with the provisions of the Licensing Act 2003.</p>

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 4th October 2016 from the applicant Mr Shabaz Alam Ahmed. The application is appended at **Appendix A**.

3.2 The applicant seeks a premises licence for an end terraced property on a main road which has previously been used as a motor cycle showroom and which is located in a primarily residential area with a number of retail and service units. The property is situated at 801 Burnley Road, Crashawbooth and the application seeks to authorise the following licensable activities:

- The supply of alcohol for consumption off the premises between the hours of 7am until 11pm Monday to Sunday

4. REPRESENTATIONS

4.1 A representation was received from Limey Valley Residents Association on 17th October 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 should not be considered. Representations must be based on one or more of the licensing objectives and must be based on the licensable activities proposed in the application.

In particular it should be noted that members cannot consider :

- Matters such as the parking of vehicles and deliveries of goods to the premises.
- Issues arising out of activities which do not relate to the supply of alcohol.
- Other matters such as traffic control, pedestrian access and the installation of ATM's.
- Matters which seek to manage the behaviour of customers once they are beyond the direct management of the licence holder.

Members should also note that the writer purports to represent 1,800 households and explains that the application for determination today was raised by 2 residents and this was discussed at a meeting on 10th October 2016.

The representation does not make it clear as to which residents they represent in this matter nor has any evidence of this been produced. Members may wish to clarify this position.

- 4.2 A total of 72 representations have been received from residents. These representations have been deemed to be valid and were received within the statutory period on 1st November 2016. These are appended at **Appendix C**, however, the Committee should note that some of the issues raised in the representations should not be considered. Representations must be based on one or more of the licensing objectives and must be based on the licensable activities proposed in the application.

In particular it should be noted that members cannot consider :

- Matters such as the parking of vehicles and deliveries of goods to the premises.
- Issues arising out of activities which do not relate to the supply of alcohol.
- Other matters such as traffic control, pedestrian access and the installation of ATM's.
- Matters which seek to manage the behaviour of customers once they are beyond the direct management of the licence holder.

- 4.3 A representation from the Police as a responsible authority was received on 24th October 2016. This representation has been deemed to be valid and was received within the statutory period. This is appended at **Appendix D**.

The Police are of the view that the conditions offered in the operating schedule are inadequate to effectively promote the licensing objectives.

5. BACKGROUND

- 5.1 The premises has not previously held a licence under the Licensing Act 2003.
- 5.2 The last known use of the premises was a motorcycle showroom, which has a planning use class of sui generis. The proposed use of the premises as an off licence shop would come under planning use class A1 (retail). As such, planning permission would be required for the

premises to be used as an off licence shop. There is no record of planning permission having been granted for such a use.

- 5.3 Members are reminded that the Guidance issued by the Home Office explains that the planning permission and licensing regimes are properly separated to avoid duplication and inefficiency. The two regimes involve consideration of different (albeit related) matters and that the Licensing Committee is not bound by decisions made by a planning committee and vice versa.
- 5.4 The planning permission will take precedence over licensing hours and conditions and the applicant will be required to observe the relevant planning times, conditions and permissions. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

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.

Background Papers	
Document	Place of Inspection
Policy	Licensing and Enforcement Unit www.rossendale.gov.uk

Appendices

Document	Appendix Number
Application Form	Appendix A
Representation – Limey Valley Residents Association	Appendix B
Representation – Residents	Appendix C
Representation - Police	Appendix D