

<b>Report of:</b>	Licensing Manager	<b>Wards Affected:</b>	Greensclough
<b>Report to:</b>	Licensing Sub-Committee	<b>Date:</b>	2 <sup>nd</sup> November 2017
<b>Contact Officer:</b>	Susan Chadwick	<b>Telephone:</b>	01706 238 648
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### APPLICATION DETAILS

<b>Applicant Name:</b>	Mr Inus Ali	<b>Premises Name:</b>	None given
<b>Address:</b>	96 Market Street, Bacup, Lancashire, OL13 OAY		
<b>Application:</b>	Application for a premises licence to be granted under the Licensing Act 2003		

#### 1. RECOMMENDATIONS

The Licensing Act 2003 sub-committee are asked to consider the application for a premises licence in respect of the above premises.

#### 1. LICENSING OBJECTIVES

- 1.1
  - a) The prevention of crime and disorder
  - b) Public Safety
  - c) The prevention of public nuisance
  - d) The protection of children from harm

#### 2. THE APPLICATION

- 2.1 The application is appended at [Appendix A](#) and requests the licensable activity outlined below.

#### 2.2 Live Music (Indoors)

Monday	1200 – 2300
Tuesday	1200 – 2300
Wednesday	1200 – 2300
Thursday	1200 – 2300
Friday	1200 – 0200
Saturday	1200 – 0200
Sunday	1200 – 0200

Non-standard timings between 1200 and 0200 on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, Valentine's Day, Mother's Day, Father's Day

#### Recorded Music (Indoors)

Monday	1200 – 2300
Tuesday	1200 – 2300
Wednesday	1200 – 2300
Thursday	1200 – 2300
Friday	1200 – 0200
Saturday	1200 – 0200
Sunday	1200 – 0200

Non-standard timings between 1200 and 0200 on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, Valentine's Day, Mother's Day, Father's Day

### **Supply of alcohol (Both)**

Monday	1200 – 2300
Tuesday	1200 – 2300
Wednesday	1200 – 2300
Thursday	1200 – 2300
Friday	1200 – 0200
Saturday	1200 – 0200
Sunday	1200 – 0200

Non-standard timings between 1200 and 0200 on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, Valentine's Day, Mother's Day, Father's Day

### **Late Night Refreshment (Both)**

Monday	1200 – 2300
Tuesday	1200 – 2300
Wednesday	1200 – 2300
Thursday	1200 – 2300
Friday	1200 – 0200
Saturday	1200 – 0200
Sunday	1200 – 0200

Non-standard timings between 1200 and 0200 on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, Valentine's Day, Mother's Day, Father's Day

- 2.3 Members will be aware that live and recorded music is exempt provided that it takes place:
- Between 0800 and 2300 hours; and
  - At an alcohol on-licensed premises; and
  - To an audience of no more than 500 people.
- 2.4 Members will be aware that the provision of late night refreshment is a licensable activity when provided between 2300 and 0500 hours.
- 2.5 The applicant has offered as part of the operating schedule to look at the following areas:
- CCTV
  - Training
  - Check 25 scheme
- 2.6 These measures will be turned into conditions and along with the mandatory ones, they will be imposed on the licence, if granted. A list of these conditions is appended at Appendix B (Page 4).
- 3. REPRESENTATIONS**
- 3.1 On 9<sup>th</sup> October 2017, the Environmental Health department as a responsible authority, submitted a representation to the application. This is appended at Appendix C.
- 4. BACKGROUND**
- 4.1 The premises was previously licensed under the Licensing Act 2003 from 4<sup>th</sup> August 2005. The licence lapsed on 14<sup>th</sup> December 2014 as a result of the death of the licence holder.
- 4.2 The premises operated as a public house and was licensed for the activity outlined below:
- Exhibition of films, Indoor sporting events, live music, recorded music, performance of dance and entertainment of a similar description:**  
Between 1200 and 0000 hours Monday to Sunday.

**Late Night Refreshment:**

Between 1100 and 0100 hours on Sunday to Thursday.

Between 1100 and 0200 hours on Friday and Saturday.

**Supply of alcohol:**

Between 0800 and 0100 hours Sunday to Thursday.

Between 0800 and 0200 hours Friday and Saturday.

**Non-standard timings:**

From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Between 0800 and 0200 hours on Christmas Eve, Boxing Day and each Sunday of a recognised English Bank Holiday weekend.

**Opening Hours:**

Between 0800 and 0130 hours Sunday to Thursday.

Between 0800 and 0300 hours Friday and Saturday.

**Non-standard timings:**

From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Between 0800 and 0200 hours on Christmas Eve, Boxing Day and each Sunday of a recognised English Bank Holiday weekend.

- 4.3 As a result of the representation (Appendix C), Mr Ali compromised by offering to amend the hours for live and recorded music to end at midnight on Friday, Saturday and Sunday but wished to retain the 0200 terminal hour for alcohol and late night refreshment on Friday and Saturday. Mr Ali offered to reduce the Sunday terminal hour down to midnight.
- 4.4 This offer was not accepted by the responsible authority.
- 4.5 The applicant intends to operate as a newly established restaurant and as such, have applied for some flexibility in their hours.
- 4.6 Members are reminded that responsible authorities and members of the public have a right to apply for a review of the premises licence, if granted, should any problems arise which undermine the licensing objectives.

**5. APPEALS**

- 5.1 An appeal against the decision of the Council may be made to the Magistrates' Court within 21 days from receipt of the determination notice which will be posted to parties to the hearing.

**6. LEGAL CONSIDERATIONS**

- 6.1
- Guidance issued by the Home Office under Section 182 of the Licensing Act 2003
  - Each application must be considered on its own merits and in accordance with the Council's Statement of Licensing Policy effective from 26<sup>th</sup> March 2014.

**7. CRIME AND DISORDER**

- 7.1 Without prejudice to any other obligation imposed on it, the Local Authority has a duty to consider crime and disorder implications.

## 8. OPTIONS

8.1 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 conditions which are consistent with the operating schedule modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and any mandatory condition which must 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 as applied for.

## APPENDICES

Appendix A	Application Form
Appendix B	Conditions consistent with the Operating Schedule
Appendix C	Environmental Health Representation