

<b>Report of:</b>	Licensing Manager	<b>Wards Affected:</b>	Longholme
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	Friday 1 <sup>st</sup> June 2018
<b>Contact Officer:</b>	Nathan Howson	<b>Telephone:</b>	01706 252493
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## APPLICATION DETAILS

<b>Applicant Name:</b>	Mr James Morris	<b>Premises Name:</b>	Blind Tiger
<b>Address:</b>	1 Brook Street, Rawtenstall, Rossendale, BB4 6AJ		
<b>Application:</b>	Application to Vary a Premises Licence under S.34 of the Licensing Act 2003		

### 1. PURPOSE OF THE REPORT

- 1.1 To advise members of an application to vary the premises licence under Section 34 of the Licensing Act 2003, to which relevant representations have been received.
- 1.2 To request that members determine the application in accordance with the provisions of the Licensing Act 2003.

### 2. LICENSING OBJECTIVES

- 2.1. Members are reminded of the licensing objectives as follows:
  - a. Prevention of Crime and Disorder
  - b. Public Safety
  - c. Prevention of Public Nuisance
  - d. Protection of Children from Harm
- 2.2 Members are reminded that the duty of the licensing authority is to take steps which promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

### 3. APPEALS

- 3.1 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.

### 4. LEGAL CONSIDERATIONS

- 4.1 Members must have regard to the following:
  - Guidance issued by the Home Office under Section 182 of the Licensing Act 2003
  - The Council's Statement of Licensing Policy effective from 26th March 2014.
  - The Licensing Act 2003

## 5. BACKGROUND

- 5.1 The premises, known as Blind Tiger has held a premises licence since the conversion of a Justice's licence in 2005. Since this time, the licence has been varied a number of times, namely in 2007 and 2016.
- 5.2 These applications sought to extend the terminal hours for licensable activity and include the provision of regulated entertainment. Both applications were granted without relevant representations being received.
- 5.3 The current premises licence is appended at **Appendix A**. This licence authorises the following licensable activities:

### **Exhibition of Films AND Performance of Live Music**

- Monday to Sunday: 12:00-23:30hrs

### **Playing of Recorded Music AND Sale of Alcohol**

- Monday to Sunday: 1100- 02:00hrs

- 5.4 A number of conditions were specified on the licence, by being consistent with the operating schedule. The conditions can be found at Annex 2 of the premises licence.

## 6. THE APPLICATION

- 6.1. On 20<sup>th</sup> April 2018, an application was received to vary the premises licence. This application, which is appended at **Appendix B**, proposes to extend the terminal hours for all licensable activities to 0300hrs, Monday- Sunday. It further sought to include the provision of late night refreshment as an activity authorised by the licence.

A summary of the proposed activities is shown below:

<b>Licensable Activity</b>	<b>Proposed Hours (Monday- Sunday)</b>
Sale of Alcohol (On and Off Sales)	11:00-03:00
Performance of Live Music	23:00-03:00
Playing of Recorded Music	23:00-03:00
Provision of Late Night Refreshment	23:00-03:00
Exhibition of Films	12:00-23:30

- 6.2 Members will be aware that, when regulated entertainment is provided by a premises licensed for the sale of alcohol on the premises, it is deregulated unless provided between the hours of 2300 and 0500hrs. Members will be further aware that late night refreshment only becomes a licensable activity between the same hours.
- 6.3 The licence holder sought to remove the conditions currently specified on the licence and replace them with those offered in the operating schedule of the application.
- 6.4 Following consultation with Lancashire Constabulary, the conditions appended at **Appendix C** were agreed by the applicant and which members may consider appropriate to be imposed on the licence.

## 7. REPRESENTATIONS

- 7.1 Since the receipt of the application, statutory notices have been displayed for a period of 28 days in accordance with the requirements of the Licensing Act 2003.

- 7.2 Members are advised that, on 4<sup>th</sup> May 2018, representation was received from a resident of Parramatta Street, Rawtenstall. This representation is appended as **Appendix D**.
- 7.3 Members are advised that, on 8<sup>th</sup> May 2018, a further representation was received from another resident of Parramatta Street. This representation is appended as **Appendix E**.

## 8. CONCLUSION

- 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.
- 8.2 In accordance with Section 35(4) 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:

- a) modify the conditions of the licence (including add or remove conditions);
- b) reject the whole or part of the application (including excluding a licensable activity or modifying the permitted hours).
- c) grant the application subject to the conditions specified in the operating schedule.

### Appendices

Document	Appendix Number
Current Premises Licence	Appendix A
Application to Vary a Premises Licence	Appendix B
Agreed Conditions	Appendix C
Representation- Resident of Parramatta Street	Appendix D
Representation- Resident of Parramatta Street	Appendix E