

<b>Report of:</b>	Public Protection Manager	<b>Licence Type:</b>	Premises Licence
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	20 <sup>th</sup> March 2019
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## PREMISES DETAILS

<b>Name:</b>	Rossendale Holiday Cottages
<b>Address:</b>	Dean Lane, Water, Rossendale, BB4 9RA
<b>Ward:</b>	Whitwell
<b>Application:</b>	Application for the grant of a new premises licence

### 1. REASON FOR REFERRAL

- 1.1 To advise members of an application for the grant of a premises licence under Section 17 of the Licensing Act 2003.

### 2. RECOMMENDATIONS

- 2.1 It is recommended that members determine the application in accordance with the provisions of the Licensing Act 2003.

### 3. LICENSING OBJECTIVES

- 3.1 Members are reminded of the Licensing objectives as follows:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

### 4. THE APPLICATION

- 4.1 An application for the grant of a premises licence was received from Rossendale Holiday Cottages Limited on 25<sup>th</sup> January 2019. The application is appended at Appendix A.
- 4.2 The application proposes to sell alcohol by retail between 0900 hours and 2200 hours Monday to Sunday. The sale shall be for consumption on and off the premises.
- 4.3 The premises that the application relates to are self-catering cottages and glamping pods, administrative block, entertainment room and associated land. The extent of the proposed licensable area is appended at Appendix B.
- 4.4 The application identified that that applicant intended to provide pop up bar events on an infrequent basis in the future. Three (3) possible positions from where these would be sited were identified on the plans and it should be noted that the sites are contained within the area proposed to be licensed.

- 4.5 On 6<sup>th</sup> March 2019, the applicant attended the Council offices and during this conversation, it became clear that there had been a misunderstanding in the drafting of the application with the applicant's agent. The applicant confirmed that it is not their intention to provide pop up bars at the premises now or in the near future.
- 4.6 The applicant has detailed the steps they intend to take to promote the licensing objectives and these steps will be translated into conditions on the licence, if granted.
- 4.7 These conditions would be:

All persons purchasing alcohol who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:

- A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
- Photo driving licence
- Passport
- Citizen card supported by the Home Office

The licence holder must ensure that all staff involved in the sale by retail of alcohol must be trained in relation to the responsible retailing of alcohol and the licensing objectives and such training must be documented.

All staff involved in the sale by retail of alcohol must receive refresher training which must take place at least annually. Refresher training must be documented.

All staff shall be trained in relation to the licensing objectives and such training must be documented. Refresher training must take place at least annually.

Training records must be retained for a rolling period of 2 years and must be made available for inspection by an Authorised Officer or Police Constable.

A noise curfew commencing at 2200hrs shall be implemented and operated at the premises. The purpose of such curfew shall be to minimise any noise disturbance to local residents and shall include limiting stock deliveries, movement of bins and general noise created by guests. There shall be signs placed throughout the premises in font size 16 or larger detailing the noise curfew and these shall be placed at the main reception and any other area deemed appropriate by the Licence Holder. Details shall also be provided within all guest accommodation in a form deemed most appropriate by the Premises Licence Holder.

Alcohol sales shall be made only to guests of the business and will not be made available to the general public.

- 4.8 The applicant has complied with the advertising requirements laid out in the Act by way of advertising the application in a locally circulating newspaper and at the premises.

## **5. RESPONSIBLE AUTHORITIES**

- 5.1 There have been no representations from the responsible authorities as defined in the Act.

## **6. REPRESENTATIONS**

- 6.1 Several representations were received during the representation period and whilst some were declared invalid, others have been deemed relevant in part giving the benefit of the doubt to those making representation and therefore providing them with the opportunity to amplify and clarify the representation.
- 6.2 Twelve (12) representations were received from local residents and these are appended at Appendix C.
- 6.3 Relevant parts of the representations relate mainly to the prevention of public nuisance objective. The Licensing Authority must consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to licences. Licensing Authorities in considering the promotion of this objective should focus on the effect of the licensable activities at the premises on persons living and working in the area which may be disproportionate and unreasonable.
- 6.4 Members should consider the representations and take into account all relevant matters and disregard those matters which do not relate to the likely effect of the grant of the licence on the promotion of the licensing objectives. Representations must be considered in terms of the impact of the licensable activities carried on from the premises on the objectives.
- 6.5 Members are reminded that the consumption of alcohol is not a licensable activity and guests can bring their own alcohol to consume on the premises which is the current practice at the premises.
- 6.6 Further clarification has been requested from some parties in relation to the representations made. A copy of the clarification requests will be made available to members of the committee on the date of the hearing.
- 6.7 Members are reminded that the existence of a public house in the vicinity cannot be reason to refuse a licence.
- 6.8 To assist, Appendix D shows in red, the rough outline of the premises subject to the application and the nearest housing developments to the west, north west and east of the premises.
- 6.9 Appendix D2 shows in red, the rough outline of the premises subject to the application and the nearest housing developments to the far north of the premises.

## **7. OPTIONS**

- 7.1 Members should always consider whether concerns raised can be overcome by the addition of conditions before refusing an application.
- 7.1 Members should consider the application, the representations and all submissions made and must take the steps below (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
1. To grant the licence subject to:
    - a) the conditions in the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the licensing objectives, and
    - b) any mandatory conditions which must be included in the licence,

2. To exclude from the scope of the licence any of the licensable activities to which the application relates,
3. To refuse to specify a person in the licence as the premises supervisor;
4. To reject the application.

**8. POLICIES TO CONSIDER**

- 8.1
- Rossendale Borough Council’s Statement of Licensing Policy effective 25<sup>th</sup> March 2014.
  - Guidance issued under Section 182 of the Licensing Act 2003.

**9. CRIME AND DISORDER**

- 9.1 Section 17(1) of the Crime and Disorder Act 1998 places a duty on the Local Authority to have due regard to the likely effect of the exercise of these functions on preventing in its area, the following;
- crime and disorder;
  - misuse of drugs alcohol and other substances; and
  - re-offending.

**APPENDICES**

Appendix A	Application Form
Appendix B	Plans
Appendix C	Representations
Appendix D	Map showing premises and nearby residential properties
Appendix D2	Map showing premises and nearby residential properties (different angle)