

Report of:	Public Protection Manager	Licence Type:	Premises Licence
Report to:	Licensing Committee	Date:	20 th May 2019
Contact Officer:	Susan Chadwick	Telephone:	01706 238 648
Email:	susanchadwick@rossendalebc.gov.uk		

PREMISES DETAILS

Name:	Tiger Lounge
Address:	12 Bury Road, Rawtenstall, Rossendale, BB4 6AA
Ward:	Longholme
Application:	Application to vary a premises licence

1. REASON FOR REFERRAL

- 1.1 To advise members of an application to vary a premises licence under Section 34 of the Licensing Act 2003.

2. RECOMMENDATION

- 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 EXISTING LICENCE

- 4.1 The premises has been licensed since 19th February 2015 when it became an Italian Restaurant named Il Siciliano.

- 4.2 At that time, the licence authorised the following activities:

- **Live and recorded music**
Between 1000hrs and 0000hrs Monday to Sunday
Between 1100hrs and 0100hrs Christmas and New Year's Eve
- **Late night refreshment**
Between 2300hrs and 0000hrs Monday to Sunday
Between 2300hrs and 0100hrs Christmas and New Year's Eve
- **Sale of alcohol**
Between 1100hrs and 0000hrs Monday to Sunday
Between 1100hrs and 0100hrs Christmas and New Year's Eve

- 4.3 The licence has to date, not been varied and the hours and activities above reflect the current licence which is appended at Appendix A.
- 4.4 Aside from mandatory conditions, the following conditions were imposed upon by the licence as being consistent with the operating schedule at the time of application:
- The licence holder shall conduct a fire risk assessment which shall be reviewed every 12 months. Written evidence of this review shall be kept together with the risk assessment.
 - Deliveries shall only be permitted to take place between 0900hrs and 1700hrs, Monday to Friday.
 - Persons who appear to be under the age of 21 years shall be required to produce proof of age by way of one 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
 - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder

5. THE APPLICATION

- 5.1 On 26th March 2019, the Licensing Authority received an application to transfer the premises licence from Mr Salazzo to Team Tiger Ltd.
- 5.2 At the same time, a simultaneous application to vary the designated premises supervisor (DPS) was received.
- 5.3 The transfer and variation of DPS applications were granted on 10th April 2019.
- 5.4 On 26th March 2019, an application to vary the premises licence was submitted. This application is appended at Appendix B.
- 5.5 The application seeks to vary the licensing plans, remove all current conditions and add new conditions and to change the hours of currently licensed activities.
- 5.6 The current licensing plan is appended at Appendix C and the proposed plans appended at Appendix D. The proposed plans seek to extend the size of the bar at the premises.
- 5.7 If the application was granted, the following conditions would be imposed upon the licence (alongside the mandatory conditions):
- 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 6-monthly intervals as a minimum. 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 6-monthly intervals as a minimum.
- 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 colour CCTV system will be installed in the premises and will display on any recording, the time and date of the recording and;
 - The system will be operated during permitted hours authorised by the premises licence,
 - The cameras shall be sufficient in number to view any area for licensable activity and any exit/entry and the area immediately outside the main entrance,
 - Signs will be displayed in the premises to indicate that CCTV is in use and when dealing with incidents or unruly behaviour, staff shall indicate that CCTV is recording the incident,
 - The system is kept in a working order, is checked regularly and any faults are rectified promptly,
 - Images and recordings to be kept for 28 days and will be available to an Authorised Officer or Police Constable upon request and there shall be trained members of staff who are able to access and operate the system, and
 - The recordings can be accessed and downloaded to another removable device (e.g. USB stick, DVD or similar).
- A refusals log shall be maintained at the premises and shall be used to record all instances where the sale of alcohol has been refused. The log shall record as a minimum, the date and time of the refusal, a description of the customer and the details of the reason for refusal.
- The designated premises supervisor shall have responsibility for reviewing the refusals log as often as necessary but as a minimum, fortnightly, and the date and time of each examination shall be recorded in the refusals register.
- The refusals register shall be retained for a rolling period of 2 years and shall be made available for inspection to an Authorised Officer or Police Constable upon request.
- On Fridays, Saturdays, Sundays or an official UK Bank Holiday, Christmas Eve and New Year's Eve, there shall be employed at the premises a minimum of 1 SIA registered door staff from midnight until the close of business the following day.
- An incident log shall be maintained at the premises and shall be used to record all incidents which may undermine the licensing objectives and must detail any remedial action taken. The designated premises supervisor shall have responsibility for reviewing the incident log on a regular basis and as a minimum, on a weekly basis.
- The incident log shall be retained for a rolling period of 2 years and shall be made available to an Authorised Officer or Police Constable upon request.

- All external doors and windows shall be kept closed when regulated entertainment is taking place, save for access and egress.
- 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

5.8 The application seeks to vary the licensable activity as follows:

- **Live and recorded music - Indoors**
 Between 0900hrs and 0330hrs Monday to Sunday
(Currently 1000hrs and 0000hrs Monday to Sunday)
 Between 0900hrs and 0330hrs on the Thursday preceding Good Friday, the Sunday immediately preceding an official UK Bank Holiday, Halloween, Christmas Eve, Christmas Day and Boxing Day.
(The non-standard timings above are the same as those requested Monday to Sunday)
 From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
 An additional hour at the end of British Summertime.
(Currently 1100hrs and 0100hrs Christmas and New Year's Eve)
- **Late night refreshment (Indoors)**
 Between 2300hrs and 0400hrs Monday to Sunday.
(Currently 2300hrs and 0000hrs Monday to Sunday)
 Between 2300hrs and 0400hrs on the Thursday preceding Good Friday, the Sunday immediately preceding an official UK Bank Holiday, Halloween, Christmas Eve, Christmas Day, New Year's Eve and Boxing Day.
(The non-standard timings above are the same as those requested Monday to Sunday)
 An additional hour at the end of British Summertime.
(Currently 2300hrs and 0100hrs Christmas and New Year's Eve)
- **Sale of alcohol – on and off sales (currently only on sales)**
 Between 0900hrs and 0400hrs Monday to Sunday
(Currently 1100hrs and 0000hrs Monday to Sunday)
 Between 0900hrs and 0400hrs on the Thursday preceding Good Friday, the Sunday immediately preceding an official UK Bank Holiday, Halloween, Christmas Eve, Christmas Day and Boxing Day.
(The non-standard timings above are the same as those requested Monday to Sunday)
 From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.
 An additional hour at the end of British Summertime.
(Currently 1100hrs and 0100hrs Christmas and New Year's Eve)
- **Hours premises open to the public**
 Between 0900hrs and 0400hrs Monday to Sunday
(Currently 1100hrs and 0000hrs Monday to Sunday)
 Between 0900hrs and 0400hrs on the Thursday preceding Good Friday, the

Sunday immediately preceding an official UK Bank Holiday, Halloween, Christmas Eve, Christmas Day and Boxing Day.

(The non-standard timings above are the same as those requested Monday to Sunday)

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

An additional hour at the end of British Summertime.

(Currently 1100hrs and 0100hrs Christmas and New Year's Eve)

5.9 The applicant has complied with the advertising requirements by placing an advert in the newspaper and by displaying a notice of the application at the premises. The representation period expired at midnight on 23rd April 2019.

6. RESPONSIBLE AUTHORITIES

6.1 On 23rd April 2019, the Council's planning department, as a responsible authority, submitted a representation to the application. The representation was submitted on the grounds that the licensing objective; the prevention of public nuisance would be undermined.

6.2 This representation is appended at Appendix E.

6.3 There were no representations from the other responsible authorities.

7. REPRESENTATIONS

7.1 On 23rd April 2019, a representation was received from a local resident which claims that the prevention of public nuisance licensing objective will be undermined as a consequence of the granting of the application. This representation is appended at Appendix F.

7.2 On 23rd April 2019, a representation was received from a local resident which claims that the prevention of public nuisance licensing objective will be undermined as a consequence of the granting of the application. This representation is made on behalf of 3 other local residents and is appended at Appendix G.

7.3 A further representation was received on 24th April 2019 from a local resident but this was received out of the representation period and cannot be lawfully considered by the sub-committee.

8. OPTIONS

8.1 Members should always consider whether concerns raised can be overcome by the addition of conditions before refusing an application.

8.2 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 modify the conditions of the licence;
2. To reject the whole or part of the application.

9. POLICIES TO CONSIDER

9.1

- Rossendale Borough Council's Statement of Licensing Policy effective 20th March 2019.

- Guidance issued under Section 182 of the Licensing Act 2003.

10. CRIME AND DISORDER

10.1 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	Current Premises Licence
Appendix B	Application to vary a premises licence
Appendix C	Current licensing plan
Appendix D	Proposed licensing plan
Appendix E	Representation by RBC's Planning Department
Appendix F	Representation by M.R.
Appendix G	Representation by A.S. representing 3 other local residents