

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING SUB-COMMITTEE

Agenda Item No. 4(1)

meeting date: TUESDAY 17 SEPTEMBER 2013
 title: THE GARDEN KITCHEN, HOLDEN CLOUGH NURSERY, HOLDEN BB7 4PF
 submitted by: CHIEF EXECUTIVE
 principal author: DIANE RICE

1 PURPOSE

- 1.1 To advise the sub-committee on the determination of an application required under section 35 of the Licensing Act 2003.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives]
 - Corporate Priorities] The Council aims to be a well managed Council; a robust
licensing process contributes to that objective.
 - Other Considerations]

2 THE APPLICATION

- 2.1 The applicant, Kate Lawson, has the benefit of a Premises Licence, which was originally granted on 15 March 2013. The licence currently permits the following licensable activities:
- [1] The sale by retail of alcohol for consumption on the premises only:
- Monday to Sunday: 0900hrs to 1700hrs.
- [2] The provision of regulated entertainment in the form of recorded music indoors only:
- Monday to Sunday: 0900hrs to 1700hrs.
- 2.2 A copy of the existing licence is attached at Appendix A.
- 2.3 The applicant has now made an application to vary the Premises Licence under Section 34 of the Licensing Act 2003. A copy of the application is attached at Appendix B.
- 2.4 The variations applied for are as follows:
- [1] To extend the hours for supply of alcohol for consumption on the premises only:
- Monday to Sunday: 0900hrs until 2100hrs.
- [2] To provide regulated entertainment in the form of recorded music indoors only:
- Monday to Sunday: 0900hrs until 2100hrs.
- [3] To open the premises to the public:
- Monday to Sunday: 0900hrs until 1830hrs.
- 2.5 The notice of application appeared in the Clitheroe Advertiser on 25 July 2013 and stated that the extension of hours until 9.00pm would be for 'private pre booked events'.
- 2.6 The applicant in the operating schedule (Section M) describes the additional measures she intends to take to promote the four licensing objectives. These will become additional conditions of the licence if the variation is granted.

- 2.7 There have been 7 relevant representations made, all from Other Persons. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.
- 2.8 Statutory guidance states: "A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives" and "representations should relate to the impact of licensable activities carried on from premises on the objectives."
- 2.9 Copies of the representations are attached at Appendix C and are made on the basis that the application will undermine three of the licensing objectives, namely the prevention of public nuisance, public safety and protection of children from harm.
- 2.10 A plan is attached at Appendix D showing the location of the premises.
- 2.11 All parties have been given notice of the hearing in accordance with Regulation 6 of The Licensing Act 2003 (Hearings) Regulations 2005.

3 THE LICENSING ACT 2003

- 3.1 When determining an application, the Licensing Act 2003 requires you to have regard to the representations received from Responsible Authorities and/or Other Persons (including supporting information), statutory Guidance issued under s.182 of the Act, the authority's Licensing Policy Statement and take such of the steps as you consider necessary for the promotion of the four licensing objectives i.e.
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 3.2 The steps you may take are set out at section 2 of the Licensing Hearings – Guidance for Members, together with the statutory guidance issued under section 182 Licensing Act 2003 commencing at section 8.

4. LEGAL IMPLICATIONS ARISING FROM THE REPORT

- 4.1 Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.
- 4.2 Members are reminded that they should have read or should hear all the facts prior to making a determination.
- 4.3 Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and Article 10 – the right to freedom of expression.

5. WARDS AFFECTED

- 5.1 The premises are situated within the Bowland Newton & Slaidburn Ward. The ward councillor is not a member of this sub-committee.


6. RISK ASSESSMENT

- 6.1 The approval of this report may have the following implications:

- Resources – none identified.
- Technical, Environmental and Legal – the report demonstrates that there has been proper consideration of the application and the relevant guidance and representations.
- Political – none identified.
- Reputation – none identified.
- Equality & Diversity – none identified.

7. RECOMMENDED THAT COMMITTEE

7.1 Members are asked to make a determination and state the reasons for that determination.



MARSHAL SCOTT
CHIEF EXECUTIVE



DIANE RICE
HEAD OF LEGAL & DEMOCRATIC SERVICES

For further information please ask for Diane Rice on extension 4418.