

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING SUB-COMMITTEE

Agenda Item No. 4(1)

meeting date: FRIDAY 26 JUNE 2015
 title: FORUM, 41 & 41A KING STREET, WHALLEY, CLITHEROE BB7 9SP
 submitted by: HEAD OF LEGAL & DEMOCRATIC SERVICES
 principal author: LICENSING OFFICER

1 PURPOSE

- 1.1 To advise the sub-committee on the determination of an application required under section 18 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 Forum Whalley Limited has made an application for a Premises Licence to be granted for 41 & 41A King Street, Whalley, Clitheroe BB7 9SP.
- 2.2 A copy of the licence application, consent of Designated Premises Supervisor and Licensing Plan are attached at **Appendix A**. (Sections I J and K are not applicable as the licensing requirements relating to entertainment facilities were removed by the Live Music Act 2012.)
- 2.3 Following agreement with the Police, the Applicant has now changed the start time for alcohol to 0900hrs instead of the requested 0800hrs.
- 2.4 Details of the licensable activities applied for, including the amendment in relation to supply of alcohol, are set out in the table attached at **Appendix B**.
- 2.5 The applicant in its operating schedule describes the additional measures it intends to take to promote the four licensing objectives. These will become conditions of any licence granted.
- 2.6 In addition, the Applicant has agreed to incorporate Challenge 25 instead of Check 21 i.e.

"The premises shall have in place a written Challenge 25 Policy. This Policy shall be actively promoted and state that any person to which the sale or supply is being made who looks or appears to be under the age of 25, shall be asked to provide identification that they are 18 years of age or over. The following forms of identification are acceptable:

- A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS);
- Photo driving licence;
- Passport;
- Any other form of identification agreed with the Police Licensing Unit.

- 2.7 Agreement has also been reached between the Applicant's Instructing Solicitor and the Council's Pollution Control Officer, to include conditions in relation to noise, odour, light pollution and litter. These are attached at **Appendix C**.
- 2.8 Sixteen relevant representations have been received. 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.
- 2.9 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."
- 2.10 A copy of the representations are attached at **Appendix D** and are made on the basis that the application will undermine the prevention of crime and disorder, public safety and the prevention of public nuisance objectives.
- 2.11 A plan is attached at **Appendix E** showing the location of the premises.
- 2.12 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 Whalley Ward. The ward councillors are not members 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.

Marshall Stott

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HEAD OF LEGAL & DEMOCRATIC SERVICES

pp.

CM Moore

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LICENSING OFFICER

For further information please ask for Catherine Moore on extension 4454.