

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING SUB-COMMITTEE

Agenda Item No.4 (1)

meeting date: MONDAY 25 SEPTEMBER 2017
 title: SPREAD EAGLE, MELLOR LANE, MELLOR BB2 7EG
 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 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 applicants, Stuart Bernard Clark and Lesley Ann Clark, already have the benefit of a Premises Licence originally granted on 5 October 2005 and transferred to them on 23 January 2014. The licence currently permits films (B), indoor sporting event (C) live music (E) recorded music (F), performance of dance (G), late night refreshment (I) and the supply of alcohol for consumption on and off the premises (J).
- 2.2 A copy of the existing licence is attached at **Appendix A** (page 4).
- 2.3 The applicants have 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** (page 16).
- 2.4 Details of the licensable activities currently permitted, together with the variations applied for are set out in the table attached at **Appendix C** (page 37).
- 2.5 The applicant at Section M on page 31 describes the additional measures they intend to take to promote the four licensing objectives. These will become additional conditions of the licence if the variation is granted.
- 2.6 In addition the applicants have agreed to include the Challenge 25 conditions as requested by the Police. These conditions are set out at **Appendix D** (page 40).
- 2.7 There have been 4 relevant representations made. 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 A copy of the representations are attached at **Appendix E** (page 41) and are made on the basis that the application will undermine one of the licensing objectives, namely the prevention of public nuisance.

2.10 A plan is attached at **Appendix F** (page 48) 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 Mellor Ward. Neither ward councillor is 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.



DIANE RICE
HEAD OF LEGAL & DEMOCRATIC SERVICES



CATHERINE MOORE
LICENSING OFFICER

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

Ribble Valley Borough Council



Chief Executive: Marshal Scott CPFA
Directors: John Heap B.Eng. C.Eng. MICE, Jane Pearson CPFA

Council Offices
Church Walk
Clitheroe
BB7 2RA
www.ribblevalley.gov.uk

Licensing Act 2003

Premises Licence

PRE(A)0205

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Spread Eagle Hotel

Mellor Lane, Mellor, Blackburn, Lancashire, BB2 7EG.

Telephone 01254 812222

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm
	Christmas Day	10:00am	9:30pm
C. Indoor sporting event	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm
	Christmas Day	10:00am	9:30pm
E. Performance of live music (Indoors)	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm
	Christmas Day	10:00am	9:30pm
F. Playing of recorded music (Indoors)	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm





Licensing Act 2003

Premises Licence

PRE(A)0205

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity and Area of application	Description	Time From	Time To
F. Playing of recorded music (Indoors)	continued ...		
	Christmas Day	10:00am	9:30pm
G. Performance of dance (Indoors)	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm
	Christmas Day	10:00am	9:30pm
	I. Late night refreshment (Indoors)	Sunday-Thursday	11:00pm
	Friday-Saturday	11:00pm	12:30am
	Bank holiday weekends	11:00pm	12:30am
	Christmas Eve & Boxing Day	11:00pm	12:30am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday-Thursday	10:00am	Midnight
	Friday-Saturday	10:00am	12:30am
	Bank holiday weekends	10:00am	12:30am
	Christmas Eve & Boxing Day	10:00am	12:30am
	Christmas Day	10:00am	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday-Thursday	10:00am	12:30am
Friday-Saturday	10:00am	1:00am
All Bank holidays	10:00am	1:00am
Christmas Eve & Boxing Day	10:00am	1:00am
Christmas Day	10:00am	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Lesley Ann Clark

Stuart Bernard Clark

Spread Eagle, Mellor Lane, Mellor, Blackburn, Lancashire, BB2 7EG.





Licensing Act 2003

Premises Licence

PRE(A)0205

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Stuart Bernard CLARK

Spread Eagle, Mellor Lane, Mellor, Blackburn, Lancashire, BB2 7EG.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. PER0566

Issued by Ribble Valley

ANNEXES

ANNEX 1

MANDATORY LICENSING CONDITIONS

1. Section 19 of the Act provides that where a premises licence authorises the supply of alcohol, the licence must include the following conditions:
 - (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence; or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. Section 19A of the Act provides that where a premises licence authorises the supply of alcohol for consumption on the premises, the licence must include the following conditions:
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold





Licensing Act 2003

PRE(A)0205

Premises Licence

ANNEXES continued ...

or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. The responsible person must ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:





Licensing Act 2003

Premises Licence

PRE(A)0205

ANNEXES continued ...

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph (1) -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of Value Added Tax chargeable in relation to the alcohol as if the Value Added Tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the Designated Premises Supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "Value Added Tax" means Value Added Tax charged in accordance with the Value





Licensing Act 2003

Premises Licence

PRE(A)0205

ANNEXES continued ...

Added Tax Act 1994.

- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or Value Added Tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies or alcohol which take place before the expiry of the period of 14 days beginning on the second day.
7. In addition to the above hours, the following conditions apply on New Years Eve:
- i) alcohol is permitted to be sold and supplied from 10am on 31 December to terminal time on 1 January;
 - ii) regulated entertainment is permitted from 10am on 31 December to one hour before the terminal time for supply of alcohol on 1 January.
 - iii) late night refreshment is permitted from 11pm on 31 December until terminal time on 1 January;
 - iv) the hours the premises are open to the public are from 10am on 31 December until 30 minutes after the terminal time on 1 January.
8. Section 20 of the Act provides that where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film be restricted. The restriction must be in accordance with any recommendation made by the relevant film classification body or any recommendation made by the licensing authority.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

1. All external doors and windows will kept closed when regulated entertainment is being provided, except in the event of an emergency.





Licensing Act 2003

Premises Licence

PRE(A)0205

ANNEXES continued ...

2. The Licence holder or his representative shall on every occasion the premises are used for regulated entertainment check external noise levels at regular intervals to ensure that sound levels are reasonable and not affecting noise sensitive premises. Appropriate steps should be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. Where a complaint is made either to the management or via the Local Authority, a written record shall be made of those noise assessments in a log book for a period of three months following the complaint. The details recorded shall include the time and date of the checks, the person making them and the results, including any remedial action. This written log shall be available for inspection by the Local Authority.
3. There shall be visible and clear notices requiring customers to leave the premises and the area quietly, placed at all exits.
4. Refuse, ie bottle sorting/disposal, shall not take place outside between 10pm and 8am.
5. Customers should be reminded to leave quietly by regular announcements from the DJ during entertainment events and by door supervisors or members of staff as they are leaving the premises.
6. Outdoor areas such as beer gardens shall not be used after 10pm. (The Council would normally recommend that patrons are brought in from outdoor areas at 10pm to ensure that the impact on nearby residents is kept to a minimum). Supervision of such areas should be carried out on a regular basis and, if appropriate, action should be taken to ensure that no behaviour that may disturb neighbours is allowed in this area.
7. The grounds of the premises shall be maintained in a tidy and litter free state.
8. No customers will be allowed to take open bottles, cans or glasses (either glass or plastic) off site. Any sales of alcohol specifically for off site consumption shall be sold in sealed containers.
9. The Licensee should ensure that any odours generated on site do not affect nearby premises, by ensuring that extraction equipment is suitably located and maintained.
10. The lights in the beer garden shall be turned off at 10pm.

ANNEX 4 - PLAN OF PREMISES

Plan attached.





Licensing Act 2003

Premises Licence

PRE(A)0205

M. H. Scott

Chief Executive
Signature of Authorised Officer





Licensing Act 2003

PRE(A)0205

Premises Licence Summary

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Spread Eagle Hotel

Mellor Lane, Mellor, Blackburn, Lancashire, BB2 7EG.

Telephone 01254 812222

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm
	Christmas Day	10:00am	9:30pm
C. Indoor sporting event	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm
	Christmas Day	10:00am	9:30pm
E. Performance of live music (Indoors)	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm
	Christmas Day	10:00am	9:30pm
F. Playing of recorded music (Indoors)	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm





Licensing Act 2003

PRE(A)0205

Premises Licence Summary

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...			
Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	continued ...		
	Christmas Day	10:00am	9:30pm
G. Performance of dance (Indoors)	Sunday-Thursday	10:00am	11:00pm
	Friday-Saturday	10:00am	11:30pm
	Bank holiday weekends	10:00am	11:30pm
	Christmas Eve & Boxing Day	10:00am	11:30pm
	Christmas Day	10:00am	9:30pm
I. Late night refreshment (Indoors)	Sunday-Thursday	11:00pm	Midnight
	Friday-Saturday	11:00pm	12:30am
	Bank holiday weekends	11:00pm	12:30am
	Christmas Eve & Boxing Day	11:00pm	12:30am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday-Thursday	10:00am	Midnight
	Friday-Saturday	10:00am	12:30am
	Bank holiday weekends	10:00am	12:30am
	Christmas Eve & Boxing Day	10:00am	12:30am
	Christmas Day	10:00am	10:30pm

THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
	Sunday-Thursday	10:00am	12:30am
	Friday-Saturday	10:00am	1:00am
	All Bank holidays	10:00am	1:00am
	Christmas Eve & Boxing Day	10:00am	1:00am
	Christmas Day	10:00am	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
Lesley Ann Clark [REDACTED]
Stuart Bernard Clark Spread Eagle, Mellor Lane, Mellor, Blackburn, Lancashire, BB2 7EG.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)





Licensing Act 2003

PRE(A)0205

Premises Licence Summary

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Stuart Bernard CLARK

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable.

M. H. Scott

Chief Executive
Signature of Authorised Officer



NOTES

1. See Appendix to the contract for details of building materials and construction. The contractor is to ensure that all work is carried out in accordance with the contract documents and the Building Regulations. The contractor is to ensure that all work is carried out in accordance with the contract documents and the Building Regulations. The contractor is to ensure that all work is carried out in accordance with the contract documents and the Building Regulations.

2. The contractor is to ensure that all work is carried out in accordance with the contract documents and the Building Regulations. The contractor is to ensure that all work is carried out in accordance with the contract documents and the Building Regulations. The contractor is to ensure that all work is carried out in accordance with the contract documents and the Building Regulations.

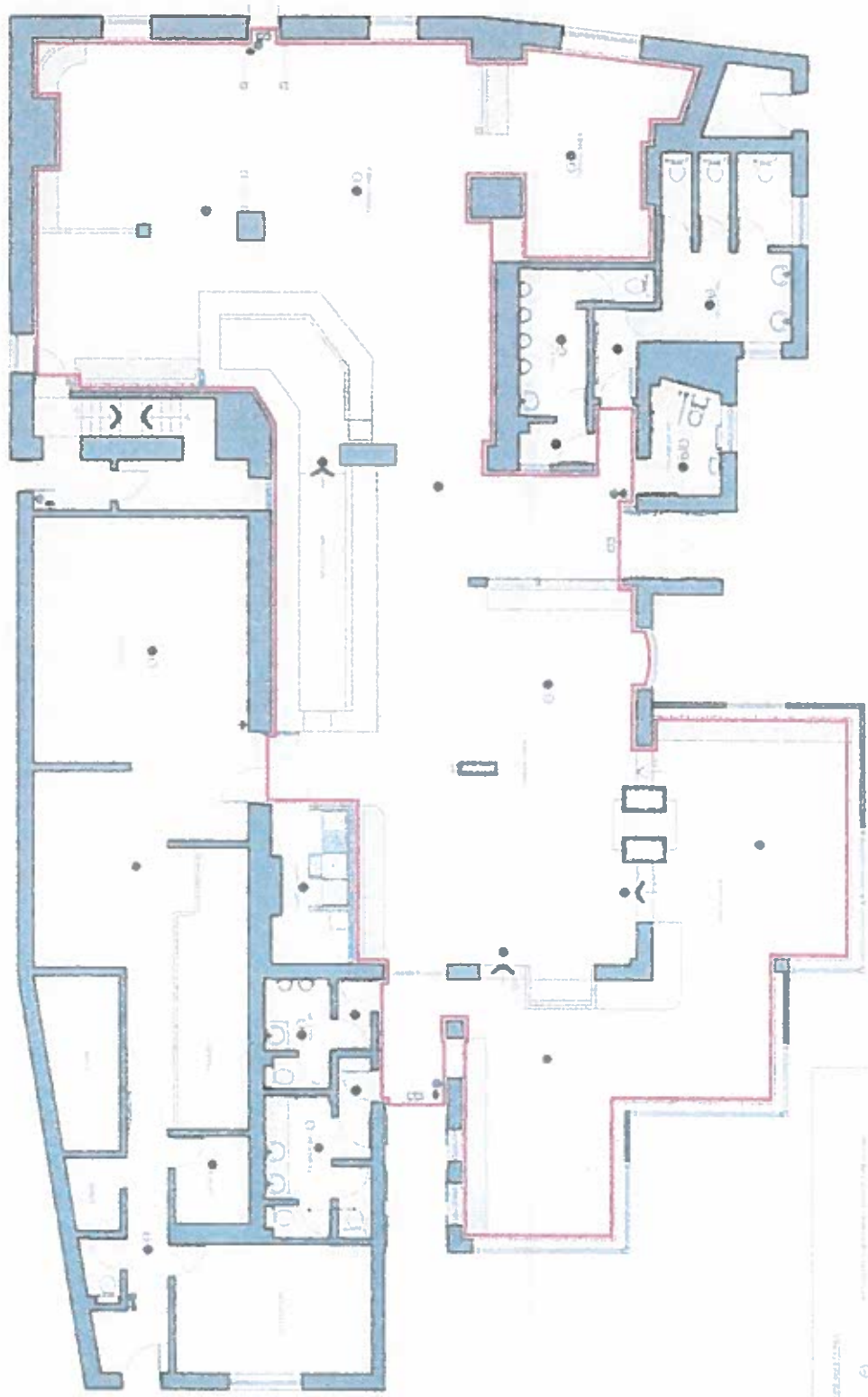
Mitchells & Butlers
 Building Maintenance Department
 11 Park Street
 Birmingham B3 2PB
 Tel: 0121 634 2000

Country Pub Barrio

THE SPREAD EAGLE
 FACILITATED BY: JAMES
 12/08/05

FACILITATED BY: JAMES
 12/08/05

DATE	12/08/05
BY	JAMES
NO.	05/0000



EMERGENCY LIGHTS

1. Emergency lights are provided in the following areas:

- 1.1. Corridor 1
- 1.2. Corridor 2
- 1.3. Corridor 3
- 1.4. Corridor 4
- 1.5. Corridor 5
- 1.6. Corridor 6
- 1.7. Corridor 7
- 1.8. Corridor 8
- 1.9. Corridor 9
- 1.10. Corridor 10
- 1.11. Corridor 11
- 1.12. Corridor 12
- 1.13. Corridor 13
- 1.14. Corridor 14
- 1.15. Corridor 15
- 1.16. Corridor 16
- 1.17. Corridor 17
- 1.18. Corridor 18
- 1.19. Corridor 19
- 1.20. Corridor 20
- 1.21. Corridor 21
- 1.22. Corridor 22
- 1.23. Corridor 23
- 1.24. Corridor 24
- 1.25. Corridor 25
- 1.26. Corridor 26
- 1.27. Corridor 27
- 1.28. Corridor 28
- 1.29. Corridor 29
- 1.30. Corridor 30
- 1.31. Corridor 31
- 1.32. Corridor 32
- 1.33. Corridor 33
- 1.34. Corridor 34
- 1.35. Corridor 35
- 1.36. Corridor 36
- 1.37. Corridor 37
- 1.38. Corridor 38
- 1.39. Corridor 39
- 1.40. Corridor 40
- 1.41. Corridor 41
- 1.42. Corridor 42
- 1.43. Corridor 43
- 1.44. Corridor 44
- 1.45. Corridor 45
- 1.46. Corridor 46
- 1.47. Corridor 47
- 1.48. Corridor 48
- 1.49. Corridor 49
- 1.50. Corridor 50

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **Stuart Bernard Clark & Lesley Ann Clark**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PRE(A)0205
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Spread Eagle Mellor Lane Mellor Lancashire			
Post town	Mellor	Postcode	BB2 7EG

Telephone number at premises (if any)	(01254) 813528
Non-domestic rateable value of premises	£114,400

Part 2 – Applicant details

Daytime contact telephone number	(01254) 813528		
E-mail address (optional)	info@thespreadeaglemellor.com		
Current postal address if different from premises address	The Spread Eagle Mellor Lane Mellor Lancashire		
Post town	Mellor	Postcode	BB2 7EG

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

--	--	--	--	--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The variation is to update the plans that accompany the premises licence (new plans enclosed) to reflect changes to the layout of the premises; to remove two conditions; and, to replace them with an alternative condition.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the</u> <u>performance of live music at different times to those listed in the</u> <u>column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u></p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here (please read guidance note 5)</u></p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)</u></p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)</u></p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

None currently anticipated.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Outdoor areas such as beer gardens shall not be used after 10pm. (The Council would normally recommend that patrons are brought in from external areas at 10pm to ensure that the impact on nearby residents is kept to a minimum). Supervision of such areas should be carried out on a regular basis and, if appropriate, action should be taken to ensure that no behaviour that may disturb neighbours is allowed in this area.

The lights in the beer garden shall be turned off at 10pm.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

N/A

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As per existing premises licence.

b) The prevention of crime and disorder

As per existing premises licence.

c) Public safety

As per existing premises licence.

d) The prevention of public nuisance

No customers shall be permitted in the terrace after 23:00 each night. By no later than 23:00 each night the terrace will be emptied of customers and the gates to the terrace will be locked.

Patrons will not be permitted to take drinks into any external area after 23:00 each night.

e) The protection of children from harm

As per existing premises licence.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	Napthens
Date	3 rd August 2017
Capacity	Solicitors & Agents

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Malcolm Ireland
 Napthens LLP, Solicitors
 Darwen House, Walker Business Park
 Walker Road

Post town	Blackburn	Post code	BB1 2QE
Telephone number (if any)	(01254) 686 211		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
Malcolm.Ireland@napthens.co.uk			

Notes for Guidance

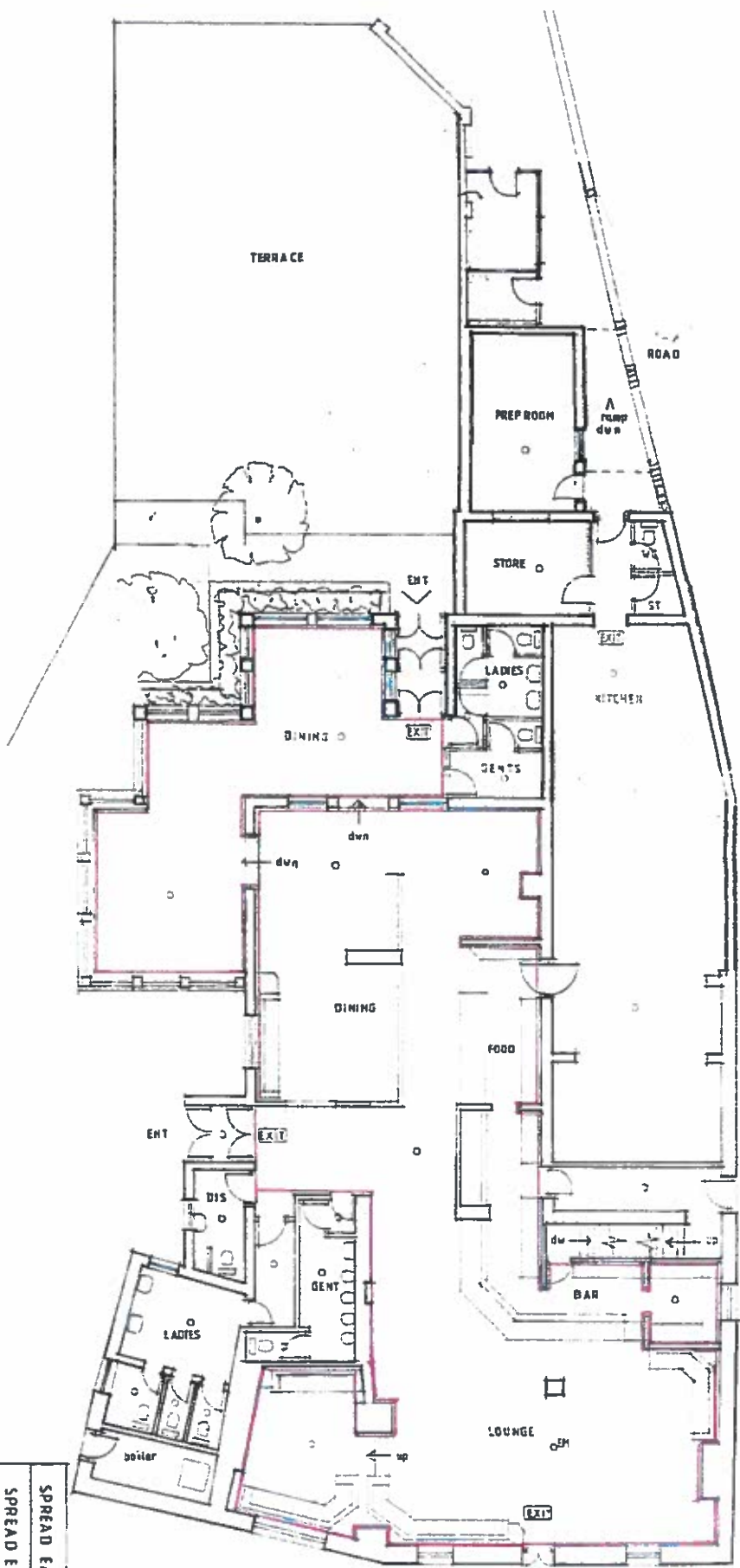
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not

exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.



This drawing is to be used for the purpose of all required licensing, applications and permits. It is not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any construction or other work that may be done in reliance on this drawing. The architect is not responsible for any construction or other work that may be done in reliance on this drawing.

SPREAD EAGLE
 SPREAD EAGLE
 HELDOR

Existing Title
 LICENSABLE
 ACTIVITIES

Scale: 1/100
 Date: AUG 17
 Drawn: LKR

spa
 SUNDERLAND PARAGON ARCHITECT'S
 100-102, SUNDERLAND PARAGON, SUNDERLAND, NORTH EAST
 11 1 0 0
 01753 433333
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4974 for Licensing

LICENSING HEARING – 25 SEPTEMBER 2017
RIBBLE VALLEY BOROUGH COUNCIL
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
MADE BY STUART BERNARD CLARK AND LESLEY ANN CLARK
IN RESPECT OF THE SPREAD EAGLE, MELLOR LANE, MELLOR BB2 7EG

	Authorised by Existing Licence	Applied for
Supply of alcohol ON and OFF the premises:		
Mon	1000hrs-0000hrs	No change
Tues	1000hrs-0000hrs	No change
Wed	1000hrs-0000hrs	No change
Thurs	1000hrs-0000hrs	No change
Fri	1000hrs-0030hrs	No change
Sat	1000hrs-0030hrs	No change
Sun	1000hrs-0000hrs	No change
Bank Holiday Weekends	1000hrs-0030hrs	No change
Christmas Eve and Boxing Day	1000hrs-0030hrs	No change
Christmas Day	1000hrs-2230hrs	No change
Opening hours of premises:		
Mon	1000hrs-0030hrs	No change
Tues	1000hrs-0030hrs	No change
Wed	1000hrs-0030hrs	No change
Thurs	1000hrs-0030hrs	No change
Fri	1000hrs-0100hrs	No change
Sat	1000hrs-0100hrs	No change
Sun	1000hrs-0030hrs	No change

Appendix C

	Authorised by Existing Licence	Applied for
Bank Holiday Weekends	1000hrs-0100hrs	No change
Christmas Eve and Boxing Day	1000hrs-0100hrs	No change
Christmas Day	1000hrs-2300hrs	No change
Films, Indoor Sporting Event, Live and Recorded Music, Performance of Dance:		
Mon	1000hrs-2300hrs	No change
Tues	1000hrs-2300hrs	No change
Wed	1000hrs-2300hrs	No change
Thurs	1000hrs-2300hrs	No change
Fri	1000hrs-2330hrs	No change
Sat	1000hrs-2330hrs	No change
Sun	1000hrs-2300hrs	No change
Bank Holiday Weekends	1000hrs-2330hrs	No change
Christmas Eve and Boxing Day	1000hrs-2330hrs	No change
Christmas Day	1000hrs-2130hrs	No change
Late Night Refreshment:		
Mon	2300hrs-0000hrs	No change
Tues	2300hrs-0000hrs	No change
Wed	2300hrs-0000hrs	No change
Thurs	2300hrs-0000hrs	No change
Fri	2300hrs-0030hrs	No change
Sat	2300hrs-0030hrs	No change
Sun	2300hrs-0000hrs	No change

Appendix C

	Authorised by Existing Licence	Applied for
Bank Holiday Weekends	2300hrs-0030hrs	No change
Christmas Eve and Boxing Day	2300hrs-0030hrs	No change
		To update the Licensing Plan
		To remove Annex 3 Condition 6* & Annex 3 Condition 10** and replace them with alternative conditions ***

***Annex 3 Condition 6:**

"Outdoor areas such as beer gardens shall not be used after 10pm. (The Council would normally recommend that patrons are brought in from outdoor areas at 10pm to ensure that the impact on nearby residents is kept to a minimum). Supervision of such areas should be carried out on a regular basis and, if appropriate, action should be taken to ensure that no behaviour that may disturb neighbours is allowed in this area."

****Annex 3 Condition 10:**

"The lights in the beer garden shall be turned off at 10pm."

***** Alternative Conditions:**

- No customers shall be permitted in the terrace after 2300hrs each night. By no later than 2300hrs each night the terrace will be emptied of customers and the gates to the terrace will be locked.
- Patrons will not be permitted to take drinks into any external area after 2300hrs each night.

**LICENSING HEARING – 25 SEPTEMBER 2017
RIBBLE VALLEY BOROUGH COUNCIL
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
MADE BY STUART BERNARD CLARK AND LESLEY ANN CLARK
IN RESPECT OF THE SPREAD EAGLE, MELLOR LANE, MELLOR BB2 7E**

CHALLENGE 25 CONDITIONS

- A "Challenge 25" Policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:
 - A Passport;
 - A UK Photocard Driving Licence;
 - Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
 - Any other form of identification agreed with a representative of the Police Licensing Unit.

- All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at suitable intervals. Said training will be documented and will be made available to an authorised officer upon

Ribble Valley Borough Council
Council offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

23 August 2017

Email: [REDACTED]

Tel: [REDACTED]

For the attention of Catherine Moore, Administration & Licensing Officer

Response requesting the Council not to approve the application to vary the premises licence Annex 3 Condition 6 and Annex 3 Condition 10 for the Spread Eagle, Mellor Lane, Mellor BB2 7EG

We are the immediate next doors neighbours to the Spread Eagle our property runs parallel with the Spread Eagle along Saccary Lane. The application made by the landlords of the Spread Eagle to vary Annex 3 conditions 6 and 10 will severely impact the quiet enjoyment of our property and other residents by extending the period for use of the beer garden to 11pm at night. (see Appendix)

We believe the reason for the current application is because the landlords have failed to properly management the beer garden in accordance with the existing licence conditions. Those licence conditions were at the time of instigation some 10 years ago strongly supported by Diane Rice Head of Licensing and Linda Boyer Environmental health Officer at a Licensing Committee meeting. There has been no change to the circumstances to the beer garden since the conditions were included in the licence, in fact previous landlords Whitbread (who accepted the conditions) and M&B both saw no reason to seek a change to the licence conditions in any respect. It is only the current landlords failure to manage the beer garden in accordance with the existing licence conditions, and recent and past reports from ourselves to the Council's Licensing Department regarding the noise and failure to manage the beer garden in accordance with the licensing conditions, that has brought about this application to vary the licence conditions.

The existing Annex 3 Condition 6 actually has in parenthesis "*The Council would normally recommend that patrons are brought in from outdoor areas at 10pm to ensure that the impact on nearby residents is kept to a minimum*". On several occasions the landlords have not complied with this and it is clearly the Council's recommendation so as to ensure that residents have the quiet enjoyment of their homes, that residents should not be disturbed by the noise of people who become louder following prolonged drinking in the evening. The beer garden can seat up to 60 people even a single loud voice after 10pm, in this very quiet rural area, is amplified. On many occasions towards 10pm there has been over 20 people outside causing considerable noise. We and neighbours should be able to have windows open and not be disturbed by the noise from the beer garden.

The landlords also seek to remove their requirement to supervise the beer garden on a regular basis, the supervision is there to ensure that residents are not impacted by behaviour from their customers, and to allow residents quiet enjoyment of their homes. It clearly means by this application that the landlords are showing a blatant disregard for their neighbours quiet enjoyment

of their property and their only reason for this application is either for financial gain or an acknowledgement of their own inability to considerately manage the beer garden in accordance with the licence conditions. The request to remove supervision of the beer garden is a reckless disregard for neighbours enjoyment of their property as well as a disregard for the health and welfare of their neighbours. On numerous occasions because of the landlords failure to supervise the beer garden we have been unable to enjoy our garden and been unable to go to sleep because of the loud voices, swearing, etc from customers in the beer garden, this is particularly embarrassing when we have friends visit.

The landlords also seek to vary Annex 3 Condition 10 which requires the landlords to turn the beer garden lights off at 10pm. The reason this was included in the existing licence conditions was to ensure that customers were not encouraged to stay outside in the beer garden, with the lights left on as we have found the landlords do not remove people from the beer garden and do not supervise the beer garden as required by the licence.

The existing licence conditions are not onerous and require the landlords to actively manage the beer garden.

Regarding the use of the beer garden the landlords stop serving food after 8.30pm Monday to Thursday, 9pm Friday and Saturday and 7.30pm on Sunday and therefore after 9pm, 9.30pm and 8pm respectively the beer garden is only used for continued drinking by customers. As customers continue to drink their noise levels become louder and as this is a very rural area that sound travels. As the nearest neighbours we are particularly disturbed by such noise up to 10pm and have been disturbed by loud swearing and laughter, high pitched screams, shouting from groups of people both before and after 10pm when the landlords have failed to supervise the beer garden. To expect our family to have to wait until at least 11pm every would be detrimental to their health and well being.

Further the request to vary the time for the closure of the beer garden impacts 365 days of the year. Whilst use of the beer garden will be in warmer weather. These weather conditions are also the most favourable for noise transmission. This coincides with ourselves and neighbouring properties need to open windows for ventilation.

The nature of the noise from the beer garden e.g. laughter, shouting, multiple conversations is more intrusive than traffic noise which is very infrequent late at night. The area is very rural and little or no sound is heard after 8pm at night from traffic. The Spread Eagle is the sole source of noise to residents in the area other than traffic.

The extension from 10pm to 11pm is at a time when ourselves and other residents are retiring to bed to sleep. Open windows in bedrooms for ventilation will allow the noise intrusion from the beer garden. We have 3 bedrooms in use and therefore the noise will impact the quiet enjoyment of our home after 10pm and that of other nearby residents. We believe it is unreasonable to expect ourselves to wait to go bed until 11pm or later as is likely to happen.

The wall around the beer garden does not afford noise reduction to our bedrooms which are above the height of the wall. Our house is elevated and therefore our bedrooms do not receive any protection to noise from the beer garden at night. Noise reflects off of the surrounding brick structures which adds to the sound travelling towards our property and bedroom windows.

Our other next door neighbours (Mr and Mrs Bateson) are in their late eighties, and not well, it is important that they are also afforded the quiet enjoyment of their property and the current conditions in the licence affords them and us that protection.

If the new variations are allowed to Annex 3 conditions 6 and 10 the landlords will have no obligation to supervise the beer garden at all at any time, it is highly likely that the landlords will not

enforce the 11pm closure, lights will remain on encouraging customers to stay in the area beyond 11pm, drinking and extending the noise issues for ourselves and other residents.

We therefore request that the Council follows its own recommendations set out in the existing licence at Annex 3 condition 6. That it rejects the variations requested to Annex 3 conditions 6 and 10. The Council supported the existing conditions in committee supported by Environmental Health and Licensing. There is no compelling reasons or evidence to support the requirement for such variations to the licence conditions. In fact such changes will have a serious impact on ourselves and other residents if allowed by the removal of supervision of the beer garden, extension to 11pm and not switching off the lights to the beer garden which actively encourages customers to remain in the beer garden. We believe that application is contrary to the expectation that neighbours have for the quiet enjoyment of their property as well as detrimental to the health and well being of our family and neighbours.

Yours faithfully

Kevin and Marie Smith

Existing Licence conditions:

Annex 3 Condition 6: "Outdoor areas such as beer gardens shall not be used after 10pm. (The Council would normally recommend that patrons are brought in from outdoor areas at 10pm to ensure that the impact on nearby residents is kept to a minimum). Supervision of such areas should be carried out on a regular basis and, if appropriate, action should be taken to ensure that no behaviour that may disturb neighbours is allowed in this area."; and

Annex 3 Condition 10: "The lights in the beer garden shall be turned off at 10pm."

Spread Eagle proposal to replace these with the following:

- "No customers shall be permitted in the terrace after 2300hrs each night. By no later than 2300hrs each night the terrace will be emptied of customers and the gates to the terrace will be locked." and
- "Patrons will not be permitted to take drinks into any external area after 2300hrs each night."

Ribble Valley Borough Council
Council offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

31 August 2017

For the attention of Catherine Moore, Administration & Licensing Officer

Response requesting the Council not to approve the application to vary the premises licence Annex 3 Condition 6 and Annex 3 Condition 10 for the Spread Eagle, Mellor Lane, Mellor BB2 7EG

We are near neighbours to the Spread Eagle public house. We understand that the landlords of the Spread Eagle have made an application to extend the opening time for the beer garden from 10pm to 11pm and to remove the requirements to supervise outdoor areas.

We strongly object to the application because this will impact on the quiet enjoyment of our property. The area we live in is very quiet late in the evening and there is little or no traffic. Therefore any noises from the Spread Eagle such as loud voices swearing and screaming as people drink more alcohol outside is heard by us and can disturb our sleep, particularly when we have our windows open. We believe 10pm is late to close the beer garden but accept that is the existing licence condition however to extend the closure of the beer garden to 11pm would impact on our ability to go to bed at a reasonable time.

We also believe removing the requirement for the landlords to supervise outside areas at any time during the day 365 days of the year is unreasonable and will impact ourselves and other neighbours. This effectively does not require the landlords to manage the premises outside at all.

We respectfully request that the Council reject this application and maintain the existing licence conditions.

Yours faithfully

Mr and Mrs Bateson

C & F Bateson

Catherine Moore

From: jonathan smith [REDACTED]
Sent: 31 August 2017 20:36
To: Catherine Moore
Subject: Application Read Eagle, Mellor BB2 7 EG

Ribble Valley Bourough Council
Church Walk
Clitheroe
BB7 2 RA
31/08/17

For attention of Catherine Moore administration and Licensing Officer.

[REDACTED] Our property is close to the Spread Eagle public house.

Having made enquiries we are led to believe that the Spread Eagle has made an application to extend the opening permitted times in the beer garden that runs parallel with our garden. There is currently noise from this area which is very audible in our garden. There is a tendency when people are drinking to get louder as more is consumed. It is our firm belief that 10 pm is late enough. Why should we be disturbed even longer into the night? Our bed room is at the rear and this noise travels. This is a quiet rural area.

We also note that a request has been made to remove the supervision of this area, again we thought that this was a condition from some years ago. Why should this be allowed?

The public house is extremely busy at weekends and busy in the week. Noise is already a problem. If this application is successful it will just simply intensify the problem.

We would request that the council reject this new application, keep the original license application, as that made some provision for the local residents.

Yours faithfully

Mr and Mrs Smith
[REDACTED]
[REDACTED]
[REDACTED]

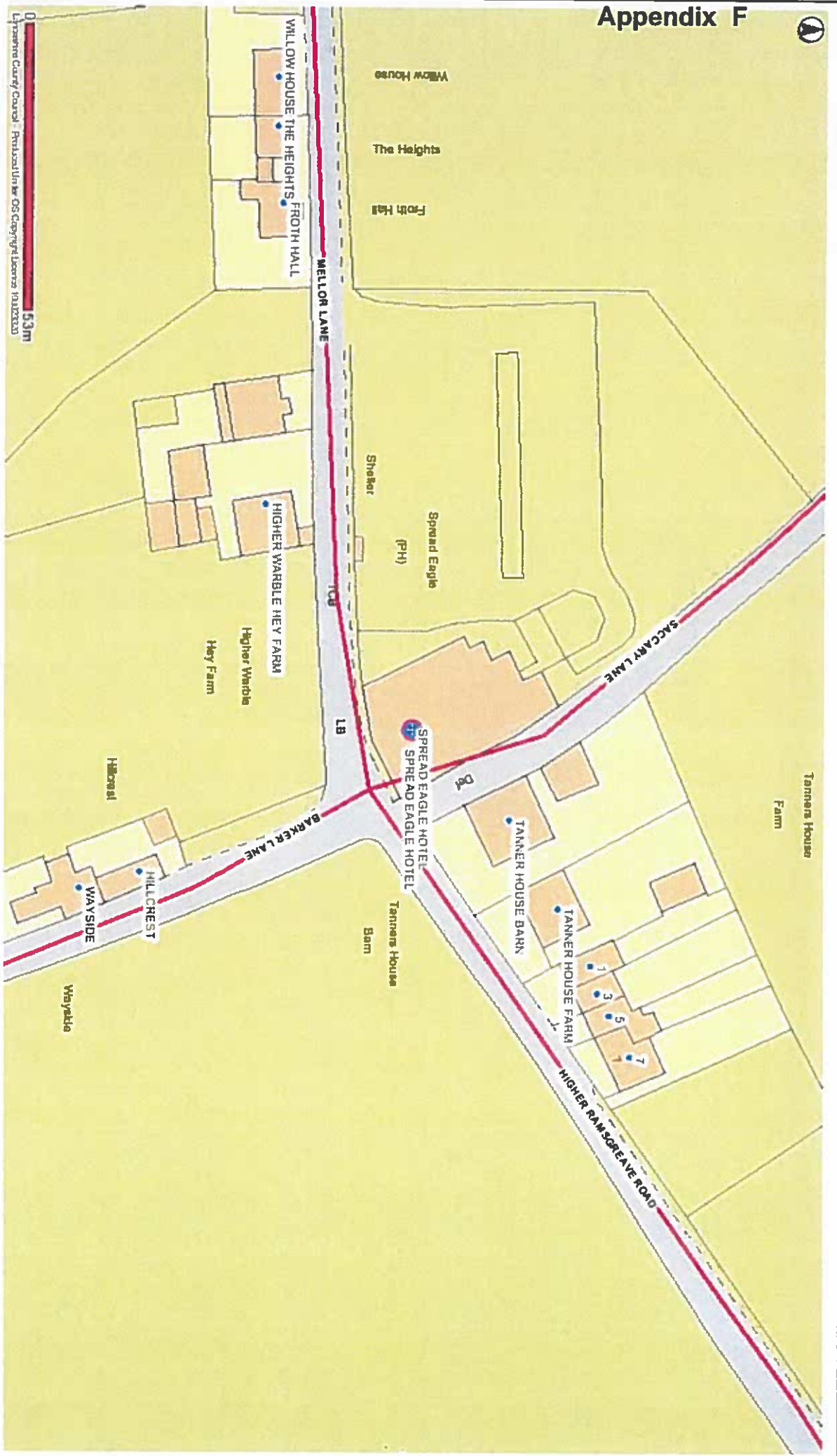
Catherine Moore

From: Jane Fitzmaurice [REDACTED]
Sent: 31 August 2017 22:25
To: Catherine Moore
Subject: Re Spread Eagle New Liscensing plan variation

Apologies for late response I have only just received the relevant information and will therefore be brief.

I live within 200 yards of the Spread Eagle Mellor, we do sometimes hear noise from the pub late in the evenings. I think that 10 pm is quite late enough for the beer garden to close and I therefore object to the application to extend the time to 11 pm.

Jane Fitzmaurice
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Spread Eagle Mellor