



Ribble Valley
Borough Council
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SECTION 35 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON MONDAY 23 NOVEMBER 2015
TO DETERMINE AN APPLICATION BY KATE ELIZABETH LAWSON
FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF
THE GARDEN KITCHEN, HOLDEN CLOUGH NURSERY, HOLDEN, CLITHEROE, BB7 4PF.

The Licensing Sub-Committee met on 23 November 2015. The Sub-Committee comprised the following members:

Councillor S Brunskill - Chair
Councillor S Hind
Councillor S Atkinson

Also in attendance:

Head of Legal and Democratic Services (RVBC)
Solicitor (RVBC)
Administration and Licensing Officer (Alcohol & Entertainment) (RVBC)
Mr J Foley
Ms K Lawson
Mrs C.L. Walmsley
Mr J Hames-Clarke
Mr G Brookes
Mr R Matthews
Mr N Bunyan
Mr C Myerscough
Mr R Park (on behalf of Mr I Willock)
Mr G MacMillan
Mr N Hellewell
Mr A Clements (on behalf of Mr & Mrs Holmes)
Mr J Pickup
Mrs J Pickup

The Sub-Committee met to consider the application of The Garden Kitchen, Holden Clough Nursery, Holden, Clitheroe, Lancashire, BB7 4PF to vary the premises licence to extend the opening hours of the premises, the hours for the supply and consumption of alcohol and the provision of regulated entertainment in the form of recorded music to midnight. The variation also sought to include live music to midnight.

The Sub-Committee considered the contents of the report of the Chief Executive dated 23 November 2015 and its appendices ("**Report**").

Mr Foley made verbal representations to the Sub-Committee on behalf of the Applicant. He set out the reasons why the variation had been applied for, and responded to the representations which had been received.

Representations were heard from Mr G MacMillan, Mr R Parks, Mr A Clements, Mr G Brookes, M R Matthews, Mr N Bunyan, Mr C Myerscough, Mr N Hellewell, Mr J Pickup and Mrs J Pickup, Mrs C L Walmsley and Mr J Hames-Clarke.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written. They also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations and the Council's licensing policy.

Having considered all of the above the Sub-Committee resolved to vary the premises licence as follows:

Opening hours of the premises:	
Mon	0900hrs – 2300 hrs
Tues	0900hrs – 2300 hrs
Wed	0900hrs – 2300 hrs
Thurs	0900hrs – 2300 hrs
Friday	0900hrs – 0000 hrs
Sat	0900hrs – 0000 hrs
Sun	0900hrs – 2300 hrs
Supply of alcohol:	
Mon	0900hrs – 2230hrs
Tues	0900hrs – 2230hrs
Wed	0900hrs – 2230hrs
Thurs	0900hrs – 2230hrs
Fri	0900hrs – 2330hrs
Sat	0900hrs – 2330hrs
Sun	0900hrs – 2230hrs
Live Music (e) indoors only:	
Mon	0900hrs – 2230hrs
Tues	0900hrs – 2230hrs
Wed	0900hrs – 2230hrs
Thurs	0900hrs – 2230hrs
Fri	0900hrs – 2300hrs
Sat	0900hrs – 2300hrs
Sun	0900hrs – 2230hrs
Recorded Music (f) indoors only:	
Mon	0900hrs – 2230hrs
Tues	0900hrs – 2230hrs
Wed	0900hrs – 2230hrs
Thurs	0900hrs – 2230hrs
Fri	0900hrs – 2300hrs
Sat	0900hrs – 2300hrs
Sun	0900hrs – 2230hrs

The Sub-committee determined not to grant the variation for live music and recorded music to midnight. Live Music is deregulated (and therefore no licence is required) between the hours of 08.00 and 23.00 on any day for either a performance of unamplified live music on any premises or for a performance of amplified live music on premises authorised to sell alcohol for the consumption on those premises, provided that the audience does not exceed 500. Recorded music is deregulated (and therefore no licence is required) for the hours of 08.00 and 23.00 for the playing on any day of recorded music on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500. The hours included above for these licensable activities will only apply therefore where live music or recorded music falls outside these parameters.

The Sub-committee also determined that the conditions proposed in Section M (save where they duplicate existing conditions) should be incorporated into Annex 2 of the licence. Those conditions shall be incorporated as follows:

- Condition 1 of Annex 2 will be amended to read:

“The Licence Holder shall ensure that all staff are fully trained in and are aware of the terms of the Premises Licence, the Licensing Act 2003 and the four Licensing Objectives.

- Condition 4 of Annex 2 will be replaced by the condition agreed between the Licence Holder and the Police as Responsible Authority:

“A challenge 25 scheme will be in operation. All persons 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 Consortium 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 Member State bearing a photograph and birth date of holder.”

- Condition 8 will be amended so that it reads:

“Refuse, i.e bottle sorting/disposal, shall not take place outside of the building between the hours of 9pm and 8am”.

- Condition 9 will be amended so that it reads:

“The Licence Holder or their 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 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.”

The Sub-Committee also determined that the following additional condition would be added to Annex 3 of the licence:

“The outdoor areas of the premises should not be used after 9pm. Supervision of such areas should be carried out on a regular basis and if appropriate action taken to ensure that no behaviour that may disturb neighbours is allowed in the area.”