



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

SECTION 18 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON TUESDAY 19 APRIL 2017
TO DETERMINE AN APPLICATION BY RIMINGTON RECREATION ASSOCIATION
FOR A PREMISES LICENCE IN RESPECT OF THE PAVILION, BACK LANE, RIMINGTON,
CLITHEROE, BB7 4EL

The Licensing Sub-Committee met on 19 April 2017. The Sub-Committee comprised the following members:

Councillor J Alcock - Chair
Councillor G Geldard
Councillor S Hind

Also in attendance:

Solicitor (RVBC)
Administration and Licensing (Alcohol & Entertainment) Officer (RVBC)
Mr I Wolfenden (Applicant's Representative)
Miss E Sylvia Hindle
Mr M Currell
Mr A Perry
Mr P Healey
Mrs G Healey
Councillor Sherras

The Sub-Committee met to consider the application of Rimington Recreation Association for a premises licence in respect of the Pavilion, Back Lane, Rimington, Clitheroe, BB7 4EL.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services dated 19 April 2017 and its appendices ("**Report**").

The Applicant's representative made verbal representations to the Sub-Committee and explained that Rimington no longer had a pub and that the current facilities at the recreation ground were inadequate. The intention was to build a replacement pavilion and that the premises would be for the use of the whole village.

He stated that the Recreation Association had carried out three consultations and that the results were 3 to 1 in favour of the proposal. The association had also asked those who were not in favour for a list of their issues so that they could try to address them.

The Applicant's representative clarified that they were only applying for the new premises to be the licensable area and not the adjoining playing field.

Those persons who had made representations and who attended the hearing reported their concerns which included issues of highway safety, security of the building storing alcohol, the sale of alcohol close to a children's play area, the use of glasses outside the bar area and noise/behavioural issues from those using the facility.

The Applicant's representative addressed those concerns and outlined that the Management Committee would be responsible and would endeavour to ensure that the facility did not cause any additional problems to the residents of Back Lane in particular.

Councillor Sherras addressed the hearing and made verbal representations with regard to the need for such a facility in the village in order to keep it sustainable.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written. The Sub-Committee 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 grant the Applicant's application for a premises licence as applied for (and clarified at the hearing).

The operating schedule for the premises is as applied for and as set out below:

Opening hours of the premises:	
Mon	0900hrs - 2330hrs
Tues	0900hrs - 2330hrs
Wed	0900hrs - 2330hrs
Thurs	0900hrs - 2330hrs
Friday	0900hrs - 2330hrs
Sat	0900hrs - 2330hrs
Sun	0900hrs - 2230hrs
Supply of alcohol ON and OFF the premises:	
Mon	1200hrs – 2300hrs
Tues	1200hrs – 2300hrs
Wed	1200hrs – 2300hrs
Thurs	1200hrs – 2300hrs
Fri	1200hrs – 2300hrs
Sat	1200hrs – 2300hrs
Sun	1200hrs – 2200hrs

The mandatory condition will apply to the licence as set out in **Appendix 1** to this notice.

The Sub-committee also determined that the conditions proposed by the Applicant in Section M of the application and as agreed with the police should be incorporated into Annex 2 of the licence. Those conditions shall be incorporated as follows:

General – all four licensing objectives

- All staff who are involved in the sale of alcohol will receive training in relation to the four licensing objectives.

The prevention of crime and disorder

- A CCTV system will be in operation at the premises.

Public Safety

- The management will require in the standard hire agreement that the maximum capacity numbers of the premise are not exceeded;
- The emergency lighting, fire extinguishers, smoke detectors, fire alarms and illuminated exit signs will be regularly maintained and kept in good working order;
- The management will take reasonable steps to ensure that the fire exits are kept clear and free from obstruction.

The prevention of public nuisance

- Whenever the building is used in the evenings the windows and doors on the South facing elevations shall be closed and remain closed after 2100 hours except in the case of emergency or for the purpose of access and egress.
- Whenever regulated entertainment is taking place at the premises, the management will conduct regular assessments of any noise emanating from the premises and will take steps to reduce the level of noise if it is likely to cause a disturbance to local residents.
- Anyone using the premises shall be reminded and encouraged to leave the premises quietly.
- The grounds of the premises will be kept clean and tidy and free from debris and cigarette butts so as not to cause a nuisance to local residents.

The protection from children from harm

- 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 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 Member State bearing a photograph and birth date of the holder
- An incident log shall be maintained to record all challenges and refused sales to persons who cannot comply with the above conditions.

In addition, the Sub-committee resolved that the following additional conditions should be added to Annex 3 of the licence:

- All recorded images from the CCTV system present at the premises shall be retained for a period of 28 days. Downloads of this information will be provided to the Police and other authorities upon reasonable request and in compliance with the Data Protection Act or any successor legislation; and
- Only plastic or toughened polycarbonate (or similar) glasses/bottles shall be used when it is intended that consumption will take place within the recreation facilities surrounding the premises.

The Sub-committee reached this decision because it considered that the licence, as applied for, and with the conditions imposed would not breach the licensing objectives of the Licensing Act 2003.

ANNEX 1

MANDATORY LICENSING CONDITIONS

1. Section 25A of the Act provides that where a premises licence authorises the supply of alcohol from community premises, it must include the following alternative licence condition:
 - (1) In this section "the alternative licence condition" is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.
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 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 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:

- (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 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 of alcohol which take place before the expiry of the period of 14 days beginning on the second day.