



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 TUESDAY 6 NOVEMBER 2018

**TO DETERMINE AN APPLICATION BY MICHAEL ROBERT LONG FOR THE VARIATION OF
A PREMISES LICENCE IN RESPECT OF BRADY'S WINE BAR, QUEEN STREET, WHALLEY,
BB7 9TA.**

The Licensing Sub-Committee met on 6 November 2018. The Sub-Committee comprised the following members:

Councillor Noel Walsh - Chair
Councillor S Brunskill
Councillor A Knox

Also in attendance:

Solicitor (RVBC)
Licensing Officer (RVBC)
Michael Robert Long (Applicant)
Malcolm Ireland of Napthens (Applicant's Solicitor)
Wendy Clarkson (Relevant Representation)
Councillor Terry Hill (Relevant Representation)
Councillor Joyce Holgate (Relevant Representation)
Penelope Robinson – Kerr (Relevant Representation)
Judith Davies (Relevant Representation)
Michael Wedgeworth (Relevant Representation)
Lesley Luckin (Relevant Representation)
Christine Hancock (Relevant Representation)
Heather Heaton (Relevant Representation)
Peter Foley (Relevant Representation)
Julie Foley (Relevant Representation)
John Threlfall (Whalley Parish Council (Relevant representation))
Mandy Richardson (Clerk to Whalley Parish Council (Relevant representation))
Stephen Hancock (Observer)

The Sub-Committee met to consider the application of Mr Michael Robert Long to vary the premises licence in five respects, namely to: amend the plan of the licensed premises; extend the hours for the supply of alcohol; extend the opening hours of the premises; extend the hours for the provision of Films (b), Indoor Sporting Event (c), Live Music (e) Recorded Music (f) Performance of Dance (g) and Anything of a similar description to that falling within (e), (f), or (g) all indoors; and to extend the hours for the provision of late night refreshment.

The Sub-Committee considered the contents of the report of the head of Legal and Democratic Services dated 30 October 2018 and its appendices (“**Report**”). The Sub-committee also considered the documentation submitted in the Appellant’s bundle and in the additional documentation provided on 5 November 2018 by the Parish Council and Wendy Clarkson.

Mr Ireland made verbal representations to the Sub-Committee. He highlighted the background to the premises, the Applicant’s motivations for applying for the variation, the fact that no representations had been received from the Responsible Authorities, that the Applicant had attempted to mediate with those who had submitted representations and as a result of that meeting the applicant had made concessions on what he was applying for which was set out in a letter dated 31 October 2018 (pages 1-2 of the Applicant’s bundle). He also set out the legal position with regard to the application and in particular highlighted various passages from the Thwaites case (pages 14 & 18 of the Applicant’s bundle). He also went through the various themes of representation which had been received and addressed each of these.

Representations were made by Councillors Hill and Holgate, John Threlfall on behalf of Whalley Parish Council, Christine Hancock, Heather Heaton, Penelope Robinson–Kerr, Judith Davies, Michael Wedgeworth, Wendy Clarkson, Lesley Luckin and Peter Foley. The issues raised related to noise, nuisance, anti-social behaviour, crime and disorder and potential harm to children which they believed were associated with the premises. It was also claimed that the current licence holder had breached the existing conditions.

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, the relevant provisions of the Human Rights Act as set out in the Report and the Council’s licensing policy.

Having considered all of the above the Sub-Committee resolved to grant the application to vary as amended by the Appellant’s solicitors letter dated 31 October 2018 save that the times of opening would not be extended beyond those included in the original application. The licence will therefore include the amended premises plan and have the following hours:

Opening hours of the premises:	
Mon	0900hrs – 0100hrs
Tues	0900hrs – 0100hrs
Wed	0900hrs – 0100hrs
Thurs	0900hrs – 0100hrs
Friday	0900hrs – 0215hrs
Sat	0900hrs – 0215hrs
Sun	0900hrs – 2330hrs
Thursday preceding Good Friday	0900hrs – 0215hrs
Sundays of Bank Holiday Weekends	0900hrs – 0215hrs
Halloween	0900hrs – 0215hrs
Christmas Eve	0900hrs – 0215hrs
Christmas Day	0900hrs – 0215hrs
Boxing Day	0900hrs – 0215hrs
New Year’s Eve	0900hrs – 0215hrs
Supply of alcohol:	
Mon	0900hrs – 0030hrs
Tues	0900hrs – 0030hrs
Wed	0900hrs – 0030hrs

Thurs	0900hrs – 0030hrs
Fri	0900hrs – 0130hrs
Sat	0900hrs – 0130hrs
Sun	0900hrs – 2300hrs
Thursday preceding Good Friday	0900hrs – 0130hrs
Sundays of Bank Holiday Weekends	0900hrs – 0130hrs
Halloween	0900hrs – 0130hrs
Christmas Eve	0900hrs – 0130hrs
Christmas Day	0900hrs – 0130hrs
Boxing Day	0900hrs – 0130hrs
New Year's Eve	0900hrs – 0130hrs
Live & Recorded Music, Performance of dance and anything of a similar description to that falling within (e), (f) or (g) outdoors	
Mon	0900hrs – 0030hrs
Tues	0900hrs – 0030hrs
Wed	0900hrs – 0030hrs
Thurs	0900hrs – 0030hrs
Fri	0900hrs – 0130hrs
Sat	0900hrs – 0130hrs
Sun	0900hrs – 2300hrs
Thursday preceding Good Friday	0900hrs – 0130hrs
Sundays of Bank Holiday Weekends	0900hrs – 0130hrs
Halloween	0900hrs – 0130hrs
Christmas Eve	0900hrs – 0130hrs
Christmas Day	0900hrs – 0130hrs
Boxing Day	0900hrs – 0130hrs
New Year's Eve	0900hrs – 0130hrs
Late Night Refreshment	
Mon	2300hrs – 0030hrs
Tues	2300hrs – 0030hrs
Wed	2300hrs – 0030hrs
Thurs	2300hrs – 0030hrs
Fri	2300hrs – 0130hrs
Sat	2300hrs – 0130hrs
Sun	2300hrs – 2300hrs
Thursday preceding Good Friday	2300hrs – 0130hrs
Sundays of Bank Holiday Weekends	2300hrs – 0130hrs
Halloween	2300hrs – 0130hrs
Christmas Eve	2300hrs – 0130hrs
Christmas Day	2300hrs – 0130hrs
Boxing Day	2300hrs – 0130hrs
New Year's Eve	2300hrs – 0130hrs

The Sub-committee also determined that the conditions proposed in Section M and in the Applicant's Solicitor's letter dated 31 October 2018 should be incorporated into Annex 2 of the licence. Those conditions shall be incorporated as follows:

- *Prior to any occasions on which licensable activities are to be carried on at the premises, a risk assessment will be carried out to determine whether door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk.*
- *The management of the premises will ensure that the area immediately outside the entrance to the premises is kept clean, tidy and free from litter.*
- *The premises will have a written dispersal policy designed to encourage patrons to leave the venue and the area quickly and quietly.*
- *On a Friday and Saturday evening at the end of the evening's trade staff will clean the area of Queen Street between the premises and the junction with Accrington Road to ensure any bottles, glasses, cigarette ends or waste are removed.*
- *On a Friday and Saturday evening from 22.00 until terminal permitted opening time, at least one member of door staff will be tasked with monitoring the external area. His or her duties will include ensuring any patrons in the external area are quiet, discouraging inappropriate access to the alleyway adjacent to the premises, and ensuring any customers who leave the premises disperse from the area.*
- *Blinds will be fitted to the windows to the East and South of the premises and will be closed whenever live or recorded music is taking place to prevent any nuisance from flashing lights and to discourage patrons from opening any windows.*
- *Security lighting shall be fitted to the wall on the alleyway adjacent to the premises.*

The Sub-committee also determined that the three conditions agreed between the Applicant and Environmental Health (with Premises Licence holder amended to Personal Licence holder in the third condition) should be incorporated into Annex 2 of the licence as follows:

- *No nuisance shall be caused to any sensitive premises by noise from regulated entertainment coming from the licensed premises, or by vibration transmitted through the structure of the premises."*
- *"Live or recorded music which is directed through speakers will be subject to a noise – limiting device set to a level in consultation with the Council's Environment Health Officer, and thereafter retained at that level.*
- *The Designated Premises Supervisor or the Personal Licence Holder who is supervising the sale or supply of alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.*

The Sub-committee reached this decision because they do not consider that the variation as granted and incorporating the additional conditions would undermine the licensing objectives.