

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: LICENSING COMMITTEE**

**DATE: MONDAY 26<sup>TH</sup> JUNE 2017**

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**APPLICATION FOR A PREMISES LICENCE – PIECE OF CAKE, 10 SKIPTON ROAD, BARNOLDSWICK**

**PURPOSE OF REPORT**

To consider an application for a Premises Licence following receipt of representations from a local resident.

**RECOMMENDATIONS**

- (1) The application must be determined with a view to promoting the four licensing objectives, namely – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- (2) The Committee must take into consideration any representations made.
- (3) The Committee must have regard to the Guidance issued by the Government.
- (4) The Committee must have regard to its own Statement of Licensing Policy.

Having taken all of the above into consideration, the Committee must give reasons for its decision.

**REASONS FOR RECOMMENDATIONS**

The Licensing Committee may –

- (a) grant the Premises Licence, subject to –
  - (i) conditions which are consistent with the Operating Schedule, modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives and;
  - (ii) any mandatory conditions;
- (b) exclude from the scope of the Licence any of the licensable activities to which the application relates;
- (c) reject the application.

For the purposes of section (a), the conditions mentioned in (a)(i) are modified if any of them are

## ISSUE

### A. The Application

1. The application (received 5<sup>th</sup> May 2017) is from Ms. Tracy Ann Edmondson of 1 Valley Drive, Barnoldswick. A copy of the application is attached as Appendix 1. The plan is attached as Appendix 1A.

### B. Application Details

#### ***2. The application is to provide the following licensable activities –***

##### **Recorded Music (indoors)**

Monday to Sunday 10:00 to 00:00

##### **Late Night Refreshment (indoors)**

Monday to Sunday 23:00 to 00:00

##### **Supply of alcohol (on the premises)**

Monday to Sunday 10:00 to 00:00

##### **Premises opening hours**

**Monday to Sunday 10:00 to 00:00**

3. The applicant has indicated they will take the following steps to promote the licensing objectives –

##### **Prevention of crime and disorder**

- Drunk/aggressive persons will not be served.
- Challenge 25 will be in full force; ID – Passport/photo driving licence, Citizen Card supported by Home Office.
- Training for all staff serving food/beverages.
- No bottles or glasses will be taken off premises.
- Registration with crime prevention initiatives run by Police.

##### **Public Safety**

- Staff will be fully aware of licensing laws.
- I will fully support any directives received from the Authorities.
- All Health & safety checks/laws will be adhered to.

##### **Prevention of Public Nuisance**

- Sound insulation up to current Building Regulations.
- Doors shall be kept closed except for access and egress.
- Customers will be asked to respect local community when leaving premises.

## **The protection of children from harm**

- Challenge 25 will be in force. No ID no service.
  - No gambling on the premises.
  - No smoking on the premises.
  - No gaming machines on the premises.
4. In addition, following consultation with the Police, the applicant has agreed to the inclusion of the following additional conditions (Appendix 2) -
- 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 EU Member State bearing a photograph and birth date of the holder.
  - All staff shall receive training to prevent under age sales of alcohol. All staff shall receive regular refresher training to prevent underage sales. This training to be documented and details of training to be made available on request.
  - An incident book shall be maintained to record all challenges and refused sales to persons who cannot comply with these conditions.
  - A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

These will supersede some of the proposed conditions above, should the licence be granted.

5. A representation has been received from persons residing in the vicinity of the premises (attached as Appendix 3). The person has been informed that only concerns that relate to the four licensing objectives can be considered by the Licensing Committee in relation to this application.
- a. When completing the representation form Mr. Simons has highlighted some areas instead of adding a tick or a cross. These highlights may not show on black and white copies of Appendix 3 but all areas have been complied with.

## **C. Background Information**

6. Under the Licensing Act 2003 in England and Wales the determination of an application for a premises licence where representations have been made can be made by a sub-committee as arranged by the licensing committee (section 10 (4) (a) (i) Licensing Act 2003).
7. A party who wishes to withdraw any representations they have made, may do so, by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or orally at the hearing (section 10 (a) and (b) Licensing Act 2003 (Hearings) Regulations 2005).

8. Time limits for hearings may be extended where it is in the public interest, and hearings can be adjourned where the Authority considers it necessary for further consideration of representations (sections 11 and 12 Licensing Act 2003 (Hearings) Regulations 2005).
9. Except where an Authority considers that the public interest in doing so outweighs the public interest in the hearing, the public shall not be excluded from a hearing (section 14 Licensing Act 2003 (Hearings) Regulations 2005).
10. At the beginning of the hearing, the Authority shall to explain to the parties the procedure it proposes to follow (section 22 Licensing Act 2003 (Hearings) Regulations 2005).

#### **D. Considerations**

14. At a hearing the Licensing Authority may:
  - a. Grant the application subject to modifying conditions that are consistent with the operating schedule in a way it considers appropriate for the promotion of the licensing objectives.
  - b. Reject one or more requested licensable activities.
  - c. Reject the application.
  - d. Refuse to specify a person as a designated premises supervisor (DPS).
15. All decisions of the Licensing Authority, and any conditions imposed, must be appropriate for the promotion of the licensing objectives.

### **IMPLICATIONS**

**Policy:** There have been no changes to policy.

**Financial:** None arising directly from the report.

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report.

**Health and Safety:** None arising directly from the report.

**Sustainability:** None arising directly from the report.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.

### **APPENDICES**

1. Copy of application.
  - a. Plan
2. Police – conditions previously agreed.
3. Representation 1.

### **LIST OF BACKGROUND PAPERS**

None