

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: LICENSING COMMITTEE

DATE: TUESDAY 24TH APRIL 2018

Report Author: Andrew Smith
Tel. No: 01282 661987
E-mail: andrew.smith1@pendle.gov.uk

**APPLICATION FOR A PREMISES LICENCE – THE TOWN SQUARE,
BARNOLDSWICK**

PURPOSE OF REPORT

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

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) to refuse to specify a person in the licence as premises supervisor;
- (d) reject the application.

ISSUE

A. The Application

1. The application (received 7th March 2018) is from Barnoldswick Town Council of The Civic Hall, Station Road, Barnoldswick. A copy of the application is attached as Appendix 1. The plan is attached as Appendix 1A. The application has the intention of replacing the existing licence for The Town Square, PEN(N)0390 (Appendix 2).

B. Application Details

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

Plays (outdoors)

Monday to Sunday 09:00 to 23:00

Films (outdoors)

Monday to Sunday 09:00 to 23:00

Live Music (outdoors)

Monday to Sunday 09:00 to 23:00

Recorded Music (outdoors)

Monday to Sunday 09:00 to 23:00

Dance (outdoors)

Monday to Sunday 09:00 to 23:00

Similar entertainment (outdoors)

Monday to Sunday 09:00 to 23:00

Supply of alcohol (on the premises)

Friday to Monday 11:00 to 23:00 (for 4 days per year)

Premises opening hours

Monday to Sunday 00:00 to 23:59

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

Prevention of Crime and Disorder

- The following conditions apply to the 'Bands on the Square' event only:

- The Police will be notified of any individual who is apprehended by security staff, where a criminal offence is suspected.
- Trained and certified SIA licence holders will operate. Two SIA licence holders shall be present at each entrance. Patrolling staff shall check and monitor the site.
- Elevated staging and barriers in place for security.
- The name and contact details of the responsible person appointed by Barnoldswick Town Council will be notified in writing to the Police, Fire and Rescue Authority and the Licensing Authority at Pendle Borough Council. Any change in those details will be notified to each of the three parties.
- Alcohol will not be permitted to be taken into or from the site. Every member of the public shall have a bag search on entering the venue.

Public Safety

- Risk Assessments will be carried out prior to the event. The appropriate member of Barnoldswick Town Council will ensure that all appropriate documentation has been obtained and any Risk Assessments are undertaken prior to an event taking place in the square.
- A register of events will be made available to the Police or a Licensing Officer of Pendle Borough Council upon request.
- Adequate and appropriate medical provision will be made available on site including first aid boxes and trained staff.
- All events taking place under the authority of the Premises Licence will be logged in a register and authorised by a member of Barnoldswick Town Council appointed for that purpose.
- The following condition applies to the 'Bands on the Square' event only:
 - No glass will be permitted on site. Any glass found by security staff whilst entering the venue will be disposed of at the point of entry.

Prevention of Public Nuisance

- Bins will be provided on site and litter controlled throughout any event and completely disposed of post event. This applies to every event.
- The following condition applies to the 'Bands on the Square' event only:
 - There will be dedicated sound personnel and a point of contact telephone number for residents. The organisers will work in conjunction with Environmental Health.

The Protection of Children from Harm

- All persons who wish to purchase alcohol that 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);
 - Photocard Driving Licence;
 - Passport;
 - Citizen Card supported by the Home Office;
 - Official ID Card issued by HM Forces or EU Member State bearing a photo and birth date of the holder.
- A notice or notices shall be displayed where they can be seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol and it is unlawful for any person to purchase alcohol on behalf of a person under 18 years of age.
- No activity will take place in Barnoldswick Town Square which is unsuitable for children.

4. In addition, following consultation with the Police, the applicant has agreed to the inclusion of the following additional conditions (Appendix 3) -
- Sale of alcohol will not be permitted at any event, excepting Bands on the Square.
 - For all events:
 - A risk assessment will be carried out to determine the numbers of SIA registered door supervisors that will be required. The appropriate number of door supervisors will be utilised in accordance with said risk assessment, which will be documented and made available to an Authorised Officer upon request.
 - No glassware, whether open or sealed, shall be given or sold to anyone attending the event. No people carrying glassware shall be admitted to the event at any time.
 - For the Bands on the Square event:
 - All staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Said training will be documented and will be made available to an Authorised Officer.
 - All proposed events will be brought to the attention of the Pendle Event Safety Advisory Group (ESAG) at a reasonable time prior to the events taking place and all advice and guidance offered by this group will be seriously considered.
5. Environmental Health had no concerns with the application, as submitted.
6. Representations have been received from persons residing in the vicinity of the premises (attached as Appendix 4). The persons have been informed that only concerns that relate to the four licensing objectives can be considered by the Licensing Committee in relation to this application.

C. Background Information

7. 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).
8. 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).
9. 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).
10. 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).
11. 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. Refuse to specify a person as a designated premises supervisor (DPS).
- d. Reject the application.

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. Premises Licence PEN(N)0390.
3. Police – conditions previously agreed.
4. Representation 1.

LIST OF BACKGROUND PAPERS

None