

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: LICENSING COMMITTEE

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**APPLICATION TO VARY A PREMISES LICENCE – THE LOUNGE, 79-81
GISBURN ROAD, BARROWFORD**

PURPOSE OF REPORT

To consider an application to vary a Premises Licence following receipt of representations from a Responsible Authority and 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) modify the conditions of the licence;
- (b) reject the whole or part of the application.

For the purposes of section (a), the conditions mentioned are modified if any of them are altered or omitted or any new condition is added.

ISSUE

A. The Application

1. The application (received 22nd May 2018) is from Miss Jade Pilling of 6 Sandyhall Lane, Barrowford, Nelson, submitted by The Lounge's General Manager, Adam Foster. A copy of the application is attached as Appendix 1. A location of the premises within Barrowford is attached as Appendix 1A.
2. The premises has held a licence (No.: PEN(A)0464) since October 2016. A copy is attached as Appendix 2.

B. Application Details

3. The application is to vary the following licensable activities –

To add Live Music (indoors)

Monday to Sunday 09:00 to 00:00

This was subsequently amended by the applicant to reflect the opening times of the premises:

Sunday to Thursday 09:00 to 23:00

Friday and Saturday 09:00 to 00:00

To alter Recorded Music (indoors)

FROM:

Friday 09:00 to 00:30

Saturday 09:00 to 00:30

TO:

Friday 09:00 to 00:00

Saturday 09:00 to 01:00

To increase Supply of Alcohol (on and off the premises)

FROM:

Friday 09:00 to 00:30

Saturday 09:00 to 00:30

TO:

Friday 09:00 to 01:00

Saturday 09:00 to 02:00

To increase premises opening hours

FROM:

Saturday 09:00 to 01:00

TO:

Saturday 09:00 to 02:00

4. The applicant has not indicated they will take any further steps relevant to licensing to promote the licensing objectives.
5. Following consultation with the Police, the applicant has agreed to the inclusion of the following additional conditions (Appendix 3) -
 - Prior to each occasion that licensable activities take place, a Risk Assessment will be carried out and an appropriate number of SIA registered door supervisors will be utilised at the premises in accordance with said Risk Assessment, which will be documented and made available to an Authorised Officer on request.
 - As a minimum, if the premises operate after midnight at least two SIA registered door supervisors will be utilised from 22:00 hours until 30 minutes after the closing time of the premises.

- *(The addition of this condition would lead to the inclusion of the following mandatory condition: 'The premises licence holder shall ensure that each individual present on the premises to carry out a security activity [as defined by paragraph 2(1) (a) of Schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.'*)
- A colour CCTV system will be installed in the premises and will display on any recording the time and date of the recording, and;
 - The system will be operated during all permitted hours;
 - The cameras shall be sufficient in number to view any area for licensable activity and any exit/entry and the area immediately outside the main entrance;
 - Signs will be displayed in the premises to indicate that CCTV is in use and when dealing with incidents or unruly behaviour, staff shall indicate that CCTV is recording the incident;
 - The system is kept in a working order, is checked regularly and any faults are rectified promptly;
 - Images and recordings are being kept for 28 days and will be available to the Police or other Authorised Authority promptly upon request and there are staff trained who are able to access and operate the system and provide downloads;
 - The recordings can be accessed and downloaded to another format (e.g. a USB stick or DVD or other recognised format).
- *(Existing condition B1.1 to be amended).*
- 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.
- 6. Environmental Health submitted a representation regarding concerns in relation to the extension of hours and the licensing objective, 'the prevention of public nuisance'. This representation is attached as Appendix 4 with references made to a subsequent document, attached as Appendix 4A.
- 7. A representation has also been received from persons residing in the vicinity of the premises (attached as Appendix 5). They are aware that only concerns that relate to the four licensing objectives can be considered by the Licensing Committee in relation to this application.
- 8. A further representation was received from the owners of the property next door to the premises. This representation is attached as Appendix 6. Again, they are aware 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

- 9. Under the Licensing Act 2003 in England and Wales the determination of an application for variation of 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) (iii) Licensing Act 2003).

10. 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).
11. 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).
12. 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).
13. 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. modify the conditions of the licence;
 - b. reject the whole or part of the application.
 - i. For the purposes of section (a), the conditions mentioned are modified if any of them are altered or omitted or any new condition is added.
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 and 1(a) location of premises
2. Copy of existing licence
3. Police – conditions previously agreed
4. Representation 1 (Environmental Health) and 4(a) Representation 1 (Environmental Health) Appendix 1
5. Representation 2 (local residents)
6. Representation 3 (owners of neighboring property)

LIST OF BACKGROUND PAPERS None