

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO: LICENSING ACT 2003 PANEL Date: 02:01:2018

**TITLE : APPLICATION FOR A VARIATION TO A PREMISES LICENCE-
Rising Sun Hotel, 797 Whalley New Road Blackburn Lancashire BB1 9BE**

<p>1.</p> <p>1.1</p>	<p><u>PURPOSE OF REPORT</u></p> <p>For members to consider an application for a variation to a premises licence in respect of Rising Sun Hotel, 797 Whalley New Road Blackburn Lancashire BB1 9BE.</p>
<p>2.</p> <p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p>	<p><u>BACKGROUND</u></p> <p>The Licensing Act 2003 provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by the Licensing Committee. The Licensing Committee may delegate these functions to sub-committees. The Council's constitution has been amended to incorporate this.</p> <p>The Statement of Licensing Policy indicates how the licensing authority approaches its various functions.</p> <p>Where under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers.</p> <p>The Licensing Committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation.</p> <p>Each application that comes before this committee will be treated on its own merits, and this licensing authority will take its decision based upon:</p> <ul style="list-style-type: none">● The merits of the application● The promotion of the four licensing objectives● The policy of the licensing authority, a copy of which can obtained from the Public Protection Service, 3RD Floor, Old Town Hall, Blackburn, BB1 7DY.● The guidance issued by the Secretary of State on April 2017 under section 182 of the Licensing act 2003 <p>.</p>

<p>3</p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p>	<p><u>DETAIL</u></p> <p>Application made by J9 Enterprises LTD in respect of the Rising Sun Hotel, 797 Whalley New Road Blackburn Lancashire BB1 9BE for a variation to a premises licence under the Licensing Act 2003.</p> <p>The variation sought is to permit the following regulated entertainment: Provision of Indoor Sporting events 10am to 2.30am Monday to Saturday and 10am to 2.00am on Sundays : Provision of Live Music and Recorded Music 10am to midnight Sunday to Thursday and 10.am to 2.00am Fridays and Saturdays</p> <p>To permit the sale/supply of alcohol each day between 10.00 am and 2.30 am the following day. To allow the premises to remain open for a further half an hour after the sale of alcohol ceases.</p> <p>To remove all embedded restrictions and to remove all current conditions</p> <p>Please see application at appendix 1</p>
<p>4</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p> <p>4.5</p> <p>4.6</p>	<p><u>CONSULTATION</u></p> <p>All responsible authorities have been consulted, advertisements have been displayed in accordance with the Act,</p> <p>There have been three objections submitted have been received from residents in the area. They have raised the objection under the public nuisance objective (see appendix 2 – objections).</p> <p>Conditions have been agreed between the applicant and Licensing Enforcement in relation to the Protection of Children from Harm objective. A signed copy of the conditions can be found at appendix 3</p> <p>The applicant has agreed to reduce the terminal hours of the application through mediation with the Council's Environmental Protection team. The hours agreed are as follows :</p> <p>Live music</p> <p>Monday - 10:00 - 00:00 Tuesday - 10:00 - 00:00 Wednesday - 10:00 - 00:00 Thursday - 10:00 - 00:00 Friday - 10:00 - 01:00 Saturday - 10:00 - 01:00 Sunday - 10:00 - 00:00</p> <p>The Sale/Supply of alcohol</p> <p>Monday - 10:00 - 01:00 Tuesday - 10:00 - 01:00 Wednesday - 10:00 - 01:00 Thursday - 10:00 - 02:00 Friday - 10:00 - 02:00 Saturday - 10:00 - 02:00</p>

<p>4.7</p> <p>4.8</p> <p>4.9</p> <p>4.10</p> <p>4.11</p>	<p>Sunday - 10:00 - 01:00</p> <p>The applicant has also indicated that these times will not be used every week; the hours are requested for flexibility only.</p> <p>The residents have been contacted via letter to be informed of the new agreed hours to ascertain whether they still wish to object in light of the reduction of hours.</p> <p>It has been determined that all objections from the public and relevant comply with Section 35(6) Licensing Act 2003</p> <p>The applicant was given notice under Regulation 7(1)(d) Licensing Act 2003 (Hearings Regulations) 2005.</p> <p>The required documents in accordance with Column 3, Schedule 3 have accompanied the Notice of Hearing in accordance with Regulation 7 Licensing Act 2003 (Hearings Regulations) 2005.</p>
<p>5</p> <p>5.1</p>	<p><u>POLICY CONSIDERATIONS</u></p> <p><u>TRADING HOURS</u></p> <p>This Policy recognises that longer and more flexible licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks and private hire offices, fast food outlets etc.</p> <p>The Policy will not set fixed trading hours within any designated area though the Policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas. Additional security measures may need to be considered on premises which remain open to the public after 3:00am. Each application will be judged on its merits with the discharging of the licensing objectives being paramount in every case.</p> <p>Unless there are good reasons to the contrary on the grounds of public disorder or crime prevention, shops, stores and supermarkets that sell alcohol will be permitted to do during the times that they would ordinarily sell other goods. It would be for interested persons or the responsible authorities to prove why this should not be so in any particular case.</p> <p>As a general presumption, applications for licences to sell alcohol for consumption on the premises (including club premises) who wish to open between 10 am and midnight Sunday to Thursday and 10 am to 1 am Friday and Saturday will have their licence granted - subject to the rights of other persons to object and thereby require a hearing.</p> <p>Any premises wishing to open for longer hours, or where amplified music is to be a feature of the entertainment which is provided, will need to demonstrate specifically within their operating schedule, how they will discharge the Licensing Objectives.</p> <p>Applicants should be aware that there is no automatic presumption In favour of longer hours and all cases which are referred to the Licensing Committee the Committee will</p>

	<p>consider if the hours requested by the applicant undermine the licensing objective. Where the Committee concludes that they do, the Committee may reject the application, or impose conditions and/or grant the licence with permitted hours which are different to those requested.</p> <p>In the interests of reducing crime, disorder and anti-social behaviour, the Council will prefer applications for public houses, nightclubs and registered clubs that demonstrate in their operating schedules a responsible approach to alcohol sales by ending such sales some time before the premises themselves are closed ('drinking-up time'). There is no obligation on the holder of a premises licence or club premises certificate to remain open for the entire period permitted by his licence or certificate.</p>
6	<u>THE THE LICENSING ACT 2003</u>
6.1	The Licensing Act 2003 requires you to have regard to the representations, and take such of the steps as you consider necessary for the promotion of the licensing objectives.
6.2	The steps you take are (a) to modify the conditions of the licence and/or to reject the whole or part of the application to vary the licence.
6.3	The conditions of the licence are modified if any of them are altered or omitted or any new condition is added.
6.4	You cannot however restrict the hours of the sale of alcohol to less than those authorised under the current Justice's Licence by virtue of Paragraph 11 Schedule 8 Licensing Act 2003.
7	<u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u>
7.1	Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.
7.2	Members are reminded that they should have read or should hear all the facts prior to making a determination
7.3	Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and Article 10 – the right to freedom of expression.
8	<u>BACKGROUND PAPERS</u>
8.1	Appendices
8.2	Statement of Licensing Policy
8.3	The guidance issued by the Secretary of State on March 2015 under section 182 of the Licensing act 2003
8.4	The Licensing Act 2003.

9	<u>RECOMMENDATION</u>
9.1	That members consider the application for the variation of the Premises Licence.
10	<u>WARDS AFFECTED</u>
10.1	The premises are situated in the Roe Lee Ward. None of the ward councillors are members of this sub committee.
11	<u>CONTACT OFFICER</u>
11.1	Donna Riding Principal Licensing Officer Ext.5004
12	<u>DATE PREPARED</u>
12.1	15 December 2017