

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO: LICENSING ACT SUB-COMMITTEE Date: 12/7/2022

**TITLE : APPLICATION FOR A VARIATION OF A PREMISES LICENCE -
The Barlow Institute, Bolton Road, Edgworth, Bolton, BL7 0AP**

1.	<u>PURPOSE OF REPORT</u>
1.1	For members to consider an application to vary premises licence LP8490, in respect of the Barlow Institute, Bolton Road, Edgworth, Bolton, BL7 0AP.
2.	<u>BACKGROUND</u>
2.1	The Licensing Act 2003 provides for the functions of the licensing authority (including its determinations) 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.
2.2	The Statement of Licensing Policy indicates how the licensing authority approaches its various functions.
2.3	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.
2.4	The Licensing Committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation.
2.5	Each application that comes before this committee will be considered on its own merits, and the licensing authority will take its decision based upon: <ul style="list-style-type: none">● The merits of the application● The promotion of the four licensing objectives● The Licensing Authority's statement of policy● Statutory Guidance issued by the Secretary of State under section 182 of the Licensing act 2003.

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DETAIL

3.1

An application to vary premises licence LP23640, under section 34 of the Licensing Act 2003, was received on 10 May 2022, from the Committee in respect of the Barlow Institute, Bolton Road, Edgworth, Bolton BL7 0AP, **(Appendix 1)**.

3.2

The current licence **(Appendix 2)** authorises the following licensable activities:

Live music, recorded music, performances of plays and performances of dance (both indoors and outdoors).

Films and indoor sporting events (indoors only)

Sunday to Thursday between 10:00 hrs and 22:00 hrs,

Friday and Saturday between 10:00 hrs and 23:00 hrs

Supply of alcohol for consumption on and off the premises

Sunday to Thursday between 10:00 hrs and 22:00 hrs,

Friday and Saturday between 10:00 hrs and 23:00 hrs

Hours the premises are open to the public

Monday to Sunday 09:00 hrs to midnight

3.3

The variation seeks authorisation for the following licensable activities:

Live music, recorded music, performances of plays and performances of dance (both indoors and outdoors).

Films and indoor sporting events (indoors only)

Monday to Thursday between 09:00 hrs and 23:00 hrs,

Friday to Sunday between 09:00 hrs and 01:00 hrs

Provision of late night refreshment (indoors and outdoors)

Friday to Sunday between 23:00 hrs and 01.00 hrs

Supply of alcohol for consumption on and off the premises

Monday to Thursday between 09:00 hrs and 23:00 hrs,

Friday to Sunday between 09:00 hrs and 01:00 hrs

Hours the premises are open to the public

Monday to Thursday between 09:00 hrs and 23:00 hrs,

Friday to Sunday between 09:00 hrs and 01:00 hrs

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CONSULTATION

- 4.1 All the Responsible Authorities have been consulted and public notices have been displayed and published in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 4.2 Licensing Officers did receive a call from one of the objectors during the original consultation period, reporting that the blue notice at the premises was not being displayed correctly.
- 4.3 On visiting the premises the officer found the notice was displayed in a notice board, but that the date of the notice had been obscured by another document being displayed underneath it. This was brought to the applicant's attention and they promptly uncovered the bottom of the notice and the consultation period was extended to the 21st June 2022.
- 4.4 There have been two objections to this application submitted by local residents (**Appendix 3**).
- 4.5 Rep 1 is from Mr Geddes, who is concerned about traffic and parking issues, along with the potential for noise nuisance and disturbance from patrons leaving the venue late at night that extended hours would generate.
- 4.6 Rep 2 is from Mr and Mrs Bancroft, who are also concerned about traffic, parking, noise nuisance and general disturbance from patrons leaving the venue, if the application is approved.
- 4.7 Some additional conditions have been agreed with the Public Protection Service, during the consultation period in respect of Challenge 25 and staff training. (**Appendix 4**).
- 4.8 Lancashire Constabulary have confirmed they have no objections to the application (**Appendix 5**).
- 4.9 Lancashire Fire and Rescue Service have confirmed that they have no objection to this application (**Appendix 6**).
- 4.10 **Appendix 7** is a list of all of the conditions either offered by the applicant in the operating schedule, or agreed with consultees, which this licence would be subject to, if members are minded to grant the extended hours sought.
- 4.11 It has been determined that both objections from the public are relevant comply with Section 35(6) Licensing Act 2003.
- 4.12 The applicant was given notice under Regulation 7(1)(d) Licensing Act 2003 (Hearings Regulations) 2005 and the documents prescribed in Column 3, Schedule 3 have accompanied the Notice of Hearing in accordance with Regulation 7.

<p>5</p> <p>5.1</p> <p>5.2</p>	<p><u>POLICY CONSIDERATIONS</u></p> <p>The relevant section(s) of the Licensing Authority’s current statement of Licensing Policy has been reproduced at Appendix 8 to this report.</p> <p>The relevant section of the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 has been reproduced at Appendix 9.</p>
<p>6</p> <p>6.1</p> <p>6.2</p> <p>6.3</p> <p>6.4</p>	<p><u>THE LICENSING ACT 2003</u></p> <p>After having regard to all the representations, the council’s Statement of Policy and the Statutory Guidance, the Committee must consider whether granting the application in the terms applied for, would undermine any of the licensing objectives.</p> <p>If members are satisfied that the licensing objectives would not be undermined, you should grant the application in the terms applied for.</p> <p>If, however you are concerned that granting the application would have the potential to undermine one or more of the licensing objectives, you must then consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.</p> <p>You may take any of the following steps:</p> <ul style="list-style-type: none"> • Grant the application, subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives. • Exclude from the scope of the licence, any of the licensable activities to which the application relates (this can include revising the permitted hours for licensable activities). • Reject the whole or part of the application.
<p>7</p> <p>7.1</p> <p>7.2</p> <p>7.3</p>	<p><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></p> <p>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.</p> <p>Members are reminded that they should have read and should hear all the facts prior to making a determination</p> <p>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.</p>

8	<u>BACKGROUND PAPERS</u>
8.1	Appendices
8.2	Statement of Licensing Policy
8.3	Statutory Guidance issued by the Secretary of State under section 182 of the Licensing act 2003
8.4	The Licensing Act 2003.
9	<u>RECOMMENDATION</u>
9.1	That members determine the application to vary Premises Licence ref: LP23640.
10	<u>WARDS AFFECTED</u>
10.1	The premises are situated in the West Pennine Ward.
11	<u>CONTACT OFFICER</u>
11.1	Niky Barrett, Principal Licensing Officer
12	<u>DATE PREPARED</u>
12.1	24 June 2022