

**DEPARTMENT OF ENVIRONMENT AND LEISURE**

**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE**

**REPORT TO: LICENSING ACT SUB-COMMITTEE Date: 25.10.22**

**TITLE: APPLICATION FOR A NEW PREMISES LICENCE**  
The Bakehouse, Borough Road, Darwen, BB3 1PL

<p><b>1.</b></p> <p>1.1</p>	<p><b><u>PURPOSE OF REPORT</u></b></p> <p>For members to consider an application for a new premises licence in respect of The Bakehouse, Borough Road, Darwen, BB3 1PL.</p>
<p><b>2.</b></p> <p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p>	<p><b><u>BACKGROUND</u></b></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 make its decision having regard to:</p> <ul style="list-style-type: none"><li>● The merits of the application</li><li>● The promotion of the four licensing objectives</li><li>● The policy of the licensing authority</li><li>● The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003</li></ul>

<p><b>3</b></p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p>	<p><b><u>DETAIL</u></b></p> <p>An application has been submitted under section 17 of the Licensing Act 2003, by the Bakehouse Group Ltd, for a new premises licence in respect of The Bakehouse, Borough Road, Darwen (<b>Appendix 1</b>).</p> <p>Following discussions with Environmental Health during the consultation period a number of amendments to the hours and activities sought in the initial application have been offered by the applicant which are reflected below.</p> <p>The applicant wishes to be able to sell alcohol for consumption on the premises between 8am and 10 pm on Sunday to Thursday and between 8am and 11pm on Friday and Saturday</p> <p>The applicant also seeks authorisation to provide regulated entertainment as follows: Live music, recorded music, the performance of dance, anything similar to live or recorded music or the performance of dance, plays and films between 8am and 11pm on Sunday to Thursday and between 8am and midnight on Friday and Saturdays.</p> <p>The applicant also wishes to provide late night refreshment from 11pm and 2am the following day, on each day of the week and to be open to the public on each day of the week between 8am and 2am the following day.</p>
<p><b>4</b></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><b><u>CONSULTATION</u></b></p> <p>The application was advertised in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005 and has been served on all of the Responsible Authorities.</p> <p>At the close of the statutory consultation period there were two outstanding representations from other persons and one from Environmental Health in their capacity as a Responsible Authority in respect of this application (<b>Appendix 2</b>).</p> <p>Rep 1 is from Councillor Brian Taylor who is concerned about noise pollution affecting nearby residential homes and the potential of antisocial behaviour late at night when the venue is closing. He has suggested a condition to prohibit the consumption of drinks on the pavement outside the premises to address the potential for noise and disturbance from patrons.</p> <p>Rep 2 is from Councillor Lilian Saltern who shares Councillor Taylor's concerns citing that the premises is in a residential area and another licensed venue might cause disruption at the end of the evening.</p> <p>Despite a number of changes being agreed with the applicant to address some of Environmental Health's concerns about noise and disturbance, they have not been able to fully agree on additional controls or conditions to ensure that the premises does not undermine the public nuisance objective and so have submitted an objection to the application in its current form (<b>Appendix 3</b>).</p> <p>Some additional conditions have also been agreed with the Public Protection Service, during the consultation period in respect of Challenge 25 and staff training. (<b>Appendix 4</b>).</p>

<p>4.7</p> <p>4.8</p> <p>4.9</p> <p>4.10</p> <p>4.11</p> <p>4.12</p>	<p>Lancashire Constabulary have confirmed they have no objections to the application (<b>Appendix 5</b>).</p> <p>Lancashire Fire and Rescue Service have confirmed that they have no objection to this application (<b>Appendix 6</b>).</p> <p><b>Appendix 7</b> 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 application in its current form.</p> <p>The relevant section of the Statutory Guidance issued under s.182 of the Licensing Act 2003 has been reproduced as <b>Appendix 8</b>.</p> <p>It has been determined that all objections from other persons are relevant in accordance with the requirements of Licensing Act 2003.</p> <p>The applicant has been given notice under Regulation 7 of the Licensing Act 2003 (Hearings) Regulations 2005 of this evenings meeting and has also been provided with copies of the documents specified in Column 3, Schedule 3 of the Regulations.</p>
<p>5</p> <p>5.1</p>	<p><b><u>POLICY CONSIDERATIONS</u></b></p> <p><b><u>TRADING HOURS</u></b></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 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>
<p><b>6</b></p> <p>6.1</p> <p>6.2</p> <p>6.3</p>	<p><b><u>THE LICENSING ACT 2003</u></b></p> <p>Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 29 September 2022.</p> <p>The licensing authority must have regard to the application and representations and take such steps as it considers are appropriate to secure the promotion of the licensing objectives.</p> <p>It may take any of the following steps</p> <ul style="list-style-type: none"> <li>• Grant a licence subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives.</li> <li>• 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).</li> <li>• Reject the whole or part of the application</li> </ul>
<p><b>7</b></p> <p>7.1</p> <p>7.2</p> <p>7.3</p>	<p><b><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></b></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 or 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>

<b>8</b>	<b><u>BACKGROUND PAPERS</u></b>
8.1	Application and Appendices
8.2	Statement of Licensing Policy
8.3	The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
8.4	The Licensing Act 2003.
<b>9</b>	<b><u>RECOMMENDATION</u></b>
9.1	Members consider the application and representations and determine whether granting a licence in the terms applied for, would adversely impact on one or more of the Licensing Objectives.
<b>10</b>	<b><u>WARDS AFFECTED</u></b>
10.1	The premises are situated in the Darwen West Ward.
<b>11</b>	<b><u>CONTACT OFFICER</u></b>
11.1	Niky Barrett, Principal Licensing Officer – 01254 585585
<b>12</b>	<b><u>DATE PREPARED</u></b>
12.1	10 October 2022