



# HYNDBURN

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**TITLE :** LICENSING ACT 2003 DETERMINATION HEARING  
Rishton Arms  
Station Road  
Rishton  
BB1 4HF

**TO:** LICENSING SUB-COMMITTEE

**TIME & Date:** 2.00 PM, WEDNESDAY, 18<sup>TH</sup> APRIL 2018

Queen Elizabeth Room, Scaitcliffe House, Accrington

**BY :** WENDY PECK, LICENSING MANAGER

**STATUS :** FOR PUBLICATION TO PARTIES TO THE HEARING ONLY

## 1. PURPOSE OF THE REPORT

- 1.1 To advise elected members of the details of an application for a Premises Licence and a determination required under Section 18 Licensing Act 2003.

## 2. RECOMMENDATIONS

- 2.1 That the Licensing Sub-Committee make a determination at the end of the hearing or within 5 working days of the last day of this hearing as required by Regulation 26(2) Licensing Act 2003 (Hearings) Regulations 2005

## 3. REPORT OF THE LICENSING MANAGER

### THE APPLICATION

- 3.1 Daniel Thwaites PLC, the proposed Premises Licence Holder, has made an application to this Licensing Authority for a Premises Licence for a premise to be known as The Rishton Arms which is situated at Station Road, Rishton, BB1 4HF.
- 3.2 The application has proposed that the designated supervisor will be Ian Melvin Astley.
- 3.3 The premises is described in the following way:- The premises is a community pub catering largely for local clientele and with an emphasis on quality cask ales.

3.4 The application is for the following licensable activities:

Activity	Day	Hours applied for
Live Music Indoors (e)	Sunday to Monday	1100 - 0000
Recorded Music Indoors (f)	Sunday to Monday	1100 - 0000
Supply of alcohol – consumption on and off the premise (j)	Sunday – Thursday Friday & Saturday	1100 - 0000 1100 - 0100

**Non-standard timings have been requested for all of the above activities as follows:-**

From 1100 to 0100 the following day on 24<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> December

From the end of permitted hours on 31<sup>st</sup> December to the commencement of permitted hours on 1<sup>st</sup> January

3.5 Hours Premises are to be open to the public (o)

DAY	HOURS APPLIED FOR
Sunday – Thursday	1100 – 0030
Friday & Saturday	1100 - 0130

**Non-standard timings have been requested for the hours the premises are open to the public:-**

From 1100 to 0130 the following day on 24<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> December

From the end of permitted hours on 31<sup>st</sup> December to the end of permitted hours on 1<sup>st</sup> January.

The full application is illustrated at **Appendix A** to this report.

3.7 The applicants have completed the Operating Schedule and have set out the steps the intend to take to promote the 4 licensing objectives:-

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

The proposed operating schedule is illustrated in full at **Appendix B** to this report

3.8 For members information, although this is an application for a new premise licence, the premise already has the benefit of a full premise licence which allows for the following:-

Activity	Day	Hours applied for
Live Music Indoors	Sunday – Thursday Friday & Saturday	1800 – 2330 1800 - 0000
Recorded Music Indoors	Monday to Wednesday Thursday & Sunday Friday & Saturday	1100 – 2330 1100 – 0000 1100 - 0100
Supply of alcohol – consumption on and off the premise	Monday – Wednesday Thursday & Sunday Friday & Saturday	1100 - 2300 1100 – 0000 1100 – 0100

Hours the premises are open to the public	Monday – Wednesday	1100 – 2330
	Thursday & Sunday	1100 – 0030
	Friday & Saturday	1100 - 0130

**Non-standard timings are permitted for all of the above activities as set out in the current licence copy attached at Appendix C**

#### **4. THE REPRESENTATIONS**

4.1 It has been determined that this is a valid application for a Premises Licence, and all notices have been properly displayed. However during the 28 day mandatory consultation period 5 valid representations were received. Four were representations against the grant of the licence and one representation supported the application.

The representations are illustrated in full at **Appendix D** of this report.

4.3 The issues raised by the representations relate to the following licensing objective –

- The prevention of crime and disorder
- The prevention of public nuisance

#### **THE LICENSING ACT 2003**

5.1 The Licensing Act 2003 requires you to:

- A) have regard to the Representations and only consider elements of representations that are about the likely effect of the grant of the premises licence on the promotion of the Licensing Objectives
- B) take only such of the steps as you consider appropriate for the promotion of the Licensing Objectives.

5.2 The steps you may take are (a) to modify the conditions of the licence and/ or to reject the whole or part of the Application for a Premises Licence.

5.3 Members are also advised that you should take account of the Statutory Guidance to the Act.

5.4 Members are also referred to Hyndburn Licensing Authority's Statement of Licensing Policy

#### **6. LEGAL IMPLICATIONS**

6.1 Members are reminded that they should:

- follow the rules of natural justice and the code of conduct for elected members in licensing applications.
- have read or should hear all the facts prior to making a determination.
- Give consideration to the Human Rights Act 1998, in particular:
  - the right to peaceful enjoyment of possessions;
  - the right to a fair and public hearing within a reasonable time;
  - respect for private and family life; and

- the right to freedom of expression.

6.2 A copy of the Licensing Authorities Conduct of Hearing Procedures is set out at **Appendix E**.

**Appendix A** Application for a Premise Licence

**Appendix B** Conditions proposed to promote the four licensing objectives (Operating Schedule)

**Appendix C** Current Licence

**Appendix D** Representations received

**Appendix E** Licensing Authorities Conduct of Hearing Procedures