

LICENSING ACT 2003 SUB COMMITTEE

Monday, 30th January, 2023
11.00 am





LICENSING ACT 2003 SUB COMMITTEE

COMMITTEE ROOMS 2&3

Monday, 30th January, 2023 at 11.00 am

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Governance, Law & Regulation by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website www.burnley.gov.uk/meetings.

AGENDA

7) *Determination of an application to vary an existing Premises Licence* 3 - 12

To determine an application to vary an existing Premises Licence application under the Licensing Act 2003 relating to Bees Knees, 20-22 Hargreaves Street, Burnley.

MEMBERSHIP OF COMMITTEE

Councillor Anne Kelly
Councillor Lorraine Mehanna

Councillor Mark Townsend
Councillor Don Whitaker

PUBLISHED

26th January 2023

Burnley Borough Council

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Licensing Act 2003

Premises Licence

PLA0252

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Bees Knees

20 / 22 Hargreaves Street, Burnley, Lancashire, BB11 1DZ.

Telephone

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	6:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	11:00am	6:00am
G. Performance of dance (Indoors)	Monday to Sunday	11:00am	6:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	11:00am	6:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday Non Standard Timings: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December).	11:00am	6:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	11:00am	6:30am
Non Standard Timings: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December).		



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THE OPENING HOURS OF THE PREMISES continued ...

Description	Time From	Time To
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

AJP Leasehold Limited

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

AJP Leasehold Limited

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

[Redacted]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. [Redacted] Issued by Burnley

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence -
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate

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ANNEXES continued ...

in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

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(a) a holographic mark or

(b) an ultraviolet feature.

6. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

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- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
- (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section "children" means any person aged under 18; and
- "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

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If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEX 2 - Conditions Imposed in Accordance with the Operating Schedule & Under Paragraph 18(4) & 18(5) Schedule 8 Licensing Act 2003

A personal licence holder shall be on the premises at peak times during which intoxicating liquor is being sold or supplied to customers or consumed by customers, except in the case of an emergency. Whenever the DPS is not at the premises another personal licence holder will be nominated by the DPS as being the responsible person to manage the premises. The Police will be notified of this in writing. The personal licence holder concerned will have the contact details of the DPS at all times.

A minimum number of 2 members of door staff registered with the SIA will be on duty from 10pm for the first 100 customers and thereafter one for every 100 or part thereof.

Door supervisors registered with the SIA shall be equipped with an appropriate method of keeping an accurate record of the capacity levels. Should a premises have several levels each floor will be closely monitored to prevent overcrowding on one particular level, room or area.

Door supervisors shall be positioned at each entrance/exit (other than fire only exits) to ensure that no customer

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leaves with any bottles or glasses.

Door supervisors will patrol the queue to the premises as necessary to ensure that customers who are drunk or who have acted in a disorderly manner, or have behaved in such a way as to cause a public nuisance or disturbance, are prevented from entering the premises.

The designated licence holder will maintain a daily record comprising of the following: - Start time and finish time of each door supervisor. The door supervisor will record their SIA badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty. The record shall be in a bound book and securely stored. The premises holder/DPS will not advertise irresponsible drinks promotions.

Free drinking water will be made available at all times from the bar. The fact that this service exists shall be clearly advertised within the premises.

A daily incident logbook will be kept detailing all incidents of note at the premises or in the immediate vicinity e.g. slips, accidents, entry refusals and incidents of disorder etc. The log shall be a bound book and will detail the date, time, type of incident, brief circumstances, action taken, person dealing with the incident and whether the police attended. The logbook will be made available for inspection, if required.

At least one qualified first aider will be on duty when the premises are open to the public. These people shall be easily identifiable as first aiders on days when the premises trade after 1am.

As and when the Police deem it necessary the following conditions relating to certain sporting fixtures and or/local events will apply.

All drinks will be served in plastic glasses without exception.

All glasses or heavy-duty ashtrays will be removed and replaced with lightweight plastic.

All other weapons that may potentially be used as weapons e.g. pool cues and pool balls will be removed or secured. Arrangements will be made for the rubbish skip/bin, containing empty bottles, stored outside the building, to be emptied prior to a designated football match. If this cannot be arranged the licensee should ensure that the container is secured and cannot be accessed by members of the public.

When door supervisors are used on a regular basis at the premises, door supervisors will be on duty before the start and after the match.

The DPS will adhere to closing/opening times on the day a specified sporting fixture is taking place, as decided by the police.

The doors to the premises will be closed at the end of a match as and when requested by the Police.

The beer garden will be closed for the duration of the match as and when requested by the Police.

The DPS will be on the premises at all times.

Both any DJ (via announcements) and other members of staff will ask people to leave quietly and have regard for residential neighbours at the end of the evening.

Signage will be prominently displayed at all exits to the premises asking people to leave quietly and to have regard for residential neighbours.

Information about local taxi services or other means of transport to assist customers to return home will be readily available. In Burnley town centre this refers to the Homesafe initiative.

When regulated entertainment is being provided all external doors and windows will be kept closed at all times.

At all times the DPS or other responsible person nominated by him shall ensure that the level of noise emitting from the premises shall be kept to a minimum by regulating the noise from within the premises.

Any outside area used for the consumption of alcohol beyond time shall be supervised by a minimum of 1 SIA registered door staff for the first 100 customers followed by an extra one member of door staff for each additional 100 customers using that area.

Any outside area which is used for the consumption of alcohol shall cease to be so used at 1.00am.

No music will be played in the outside area.

Any outside area used for the consumption of alcohol will be clearly delineated as being part of the premises in a manner, which is agreed with the police, and access to that area will only be via the premises.

Access to any outside area used for the consumption of alcohol will be via the premises only.

The Police will be notified two weeks in advance of any outdoor event. A risk assessment will be completed detailing

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the type of event and numbers attending etc.

All stewards will be dressed in high visibility clothing/jackets which makes them easily identifiable to the public and the responsible authorities.

A dispersal policy, if considered necessary will be agreed by the Police and will be implemented at all times.

The DPS shall secure adequate access for all emergency vehicles to, on and around the site of the event.

Any entertainment provided shall be controlled so that no noise, annoyance or nuisance is caused to residents in the vicinity.

Should under 18's events/discos be held at the premises, the police will be given one month's notice and the event will not go ahead without full police approval.

On occasions when children's functions take place, the bar shall be closed and the appropriate number of adults will be present will be present to supervise and ensure the safety of the children.

Gaming machines will be located within sight of the bar and be closely supervised.

Notices stating, "No under 18s allowed to play" (or similar) will be prominently displayed next to the gaming machine.

Cigarette machines will be located in a well-supervised position.

Notices stating that "it is illegal for persons under 16 to purchase cigarette's" or similar will be prominently displayed next to the cigarette machine.

No persons under the age of 18 will be permitted on the premises after 9pm.

Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of ID acceptable:

UK photo driving licence, Passport, PASS card.

Proof of age checks will take place inside the premises by staff whenever they have doubt about a person's age.

Notices obtained from Police publicising the Challenge 25 initiative shall be clearly displayed at the entrance to the premises and behind the bar area at all times.

The licensed area of the premises shall be equipped with a CCTV system, which should comply with the following criteria:

1. The system should be maintained in proper working order. Any faults will be rectified without delay.
2. The system should display on any recording the time and date of the recording.
3. The system should be operated during all normal permitted hours, any authorised extension to those hours, including drinking up times and for one hour after the latest permissible drinking up period.
4. Recorded VCR tapes should be held for one calendar month after the recording and should be made available to police for inspection on request.

The premises holder/DPS will not advertise irresponsible drinks promotions.

The Permitted Hours restrictions do not prohibit:

(a) removed

(b) removed

(c) removed

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

ANNEX 3. Conditions attached after a hearing by the licensing authority

None

ANNEX 4 - Plan of Premises

The official plan of the premises is attached and endorsed

Burnley Borough Council

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Parker Lane
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licensing@burnley.gov.uk



Licensing Act 2003

Premises Licence Summary

PLA0252

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Bees Knees

20 / 22 Hargreaves Street, Burnley, Lancashire, BB11 1DZ.

Telephone 01282 457821

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	6:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	11:00am	6:00am
G. Performance of dance (Indoors)	Monday to Sunday	11:00am	6:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	11:00am	6:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday Non Standard Timings: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December).	11:00am	6:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	11:00am	6:30am
Non Standard Timings: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours		

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THE OPENING HOURS OF THE PREMISES continued ...

Description	Time From	Time To
on the following day, midnight on 31st December).		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

AJP Leasehold Limited

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

AJP Leasehold Limited

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted by Section 145 Licensing Act 2003