



BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Monday, 24th October, 2022

PRESENT

MEMBERS

Councillors J Inckle, A Kelly and M Townsend

OFFICERS

Catherine Waudby	–	Head of Legal and Democratic Services
Lisa Tempest	–	Licensing Compliance Officer
Carol Eddleston	–	Democracy Officer
CJ Walmsley	–	Democracy Officer

ALSO IN ATTENDANCE

Philip Haworth	-	Company Director
PC Michael Jones	-	Lancashire Constabulary
John McDonald	-	Company Director
Declan Mckavett	-	General Manager

15 Appointment of Chair

Councillor Kelly was appointed Chair of the meeting.

16 Minutes of the last Meeting

The minutes of the meetings held on 15th of September 2022 and 29th September 2022 were approved as a correct record and signed by the Chair.

17 Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

18 Hearing of an application for a Temporary Event Notice following receipt of a Notice of Objection

The Sub-committee considered a report relating to a Temporary Event Notice (TEN) for the Coal Yard, Coal Street, Burnley, following the submission to the Licensing Authority of an objection from Lancashire Constabulary.

The TEN was for an event on 13th November 2022, which was Remembrance Sunday and the day of a football match between Burnley FC and Blackburn Rovers FC. The event was described as an earlier opening time and serving alcohol to customers at this time.

The licensable activities to be carried on were:

The on-sale by retail of alcohol from 10:00 hours to 12:00noon.

Lisa Tempest attended the hearing and presented the report on behalf of the Licensing Authority.

PC Michael Jones attended the hearing and presented the case on behalf of Lancashire Constabulary.

Mr John McDonald presented the case of the applicant, supported by Mr Philip Haworth and Mr Declan Mcavett.

Members and all parties present asked questions.

Members RESOLVED to go into private session to consider the Temporary Event Notice application and to receive legal advice.

RESOLVED – DECISION AND REASONS FOR DECISION

DECISION

Regarding The Coal Yard, Coal St, Burnley – 24th October 2022

The Temporary Event Notice has been determined with a view to promoting the four licensing objectives, but in particular, the licensing objectives relating to the prevention of crime and disorder and public safety.

The Committee carefully considered the report of the Licensing Officer, the representations made by Lancashire Constabulary and the representations put forward by the Applicant.

The Committee have had regard to the Temporary Event Notice and the relevant representations received.

The Committee have had regard to the s182 Guidance issued by the Government.

The Committee have had regard to its own Statement of Licensing Policy.

Having carefully considered all the information before it, the Council grants the Temporary Event Notice (TEN) applied for by the Coal Yard for the on–sale by retail of alcohol from 10.00 to 1200 noon on 13th November 2022, subject to adding the conditions relating to minimum drinks promotions and CCTV cameras from the existing premises licence. These conditions are considered appropriate for the promotion of the licensing objectives. The Committee also expects the Applicant to comply with the guidance issued by Lancashire Constabulary.

The TEN had been applied by the Coal Yard to allow them to open and serve customers in advance of the Burnley v Blackburn football match which kicks off at 12.30.

The Police explained that the match has been categorised as a high-risk football match as it is a local derby game and is a sell out for Burnley and for Blackburn. Alcohol consumption has an impact on fan behaviour and the overall policing and stewarding operation. The Police objected to extending existing hours for the sale of alcohol under the TEN application for such a risky fixture as it would allow people to drink for a longer period prior to the game which has the potential to increase more alcohol related violence.

REASONS FOR DECISION

Whilst the Committee noted the concerns of the Police, they took into account the following matters;

1. Confirmation from the Police that the Coal Yard is very well run and is not considered to be a problematic premises.
2. The Company Director for the Coal Yard stating that the premises is Burnley's best sports bar and its clientele comprised mainly of families and patrons over the age of 30. He stated that there is never any disorder associated with the premises.
3. All other town centre pubs will be allowed to open.
4. The assurances from the Company Director that the premises would use plastic glasses and employ SIA accredited door staff on the day and comply fully with the requirements of the letter from Lancashire Constabulary in relation to the match.
5. Adding the two conditions relating to irresponsible drinks promotions and CCTV cameras from the existing Premises Licence to the Temporary Event Notice was considered appropriate to promote the licensing objectives.

The Applicant has the right of appeal against the decision. Such appeal must be made at least 5 working days before the date of the event.