

LICENSING ACT 2003 SUB COMMITTEE

Wednesday, 26th April, 2023
11.00 am





LICENSING ACT 2003 SUB COMMITTEE

RECEPTION ROOM, BURNLEY TOWN HALL

**Wednesday, 26th April, 2023 at 11.00
am**

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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 Legal & Democracy 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 <https://bit.ly/2BW7d2>, or you can register to speak via the online agenda.

AGENDA

1) *Appointment of Chair*

To consider the appointment of Chair for the meeting.

2) *Apologies for Absence*

To receive any apologies for absence.

3) *Minutes of the last Meeting*

To approve as a correct record the Minutes of the last Licensing Act 2003 Sub-committee meeting, held on 30th January 2023.

5 - 10

4) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be

considered at the meeting as a matter of urgency.

5) Declaration of Interest

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

6) Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

7) Determination of a Premises Licence Application

11 - 82

To determine a Premises Licence application under the Licensing Act 2003 relating to Padiham Service Station, Burnley Road, Burnley.

MEMBERSHIP OF COMMITTEE

Councillor Karen Ingham
Councillor Anne Kelly
Councillor Arif Khan

Councillor Lorraine Mehanna
Councillor Mark Townsend
Councillor Don Whitaker

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BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Monday, 30th January, 2023

PRESENT

MEMBERS Councillor Mark Townsend (in the chair)

Councillors L Mehanna and D Whitaker

OFFICERS

Sajada Khan	– Solicitor
Lisa Tempest	– Licensing Compliance Officer
Carol Eddleston	– Democracy Officer

22 Appointment of Chair

Councillor Townsend was appointed Chair of the meeting.

23 Minutes of the last Meeting

The minutes of the two meetings held on 24th October 2022 were approved as a correct record and signed by the Chair.

24 Declaration of Interest

There were no declarations of interest.

25 Determination of an application to vary an existing Premises Licence

The Sub-committee considered a report relating to an application under section 34 of the Licensing Act 2003 (The Act) received from AJP Leasehold Ltd to vary a Premises Licence for Bees Knees, 20/22 Hargreaves Street, Burnley.

The Sub-committee was informed that the variations requested were:

- To bring forward the start time for licensable activities from 11am to 10am Monday to Sunday;
- To add late night refreshment (hot food and hot drinks) from 11pm to 5am Monday to Sunday;

- To remove specified (non-mandatory) conditions imposed in accordance with the operating schedule, and
- To add specified conditions.

During the advertisement period further conditions had also been agreed between the applicant and the police and Environmental Health as responsible authorities.

Representations had been received from two individuals and from the Environmental Health Officer. Following further mediation between the applicant and the Environmental Health Officer, the applicant had agreed to additional conditions and the Environmental Health Officer had withdrawn their representation.

Rebecca Holden, of Northgate Estates, presented objections to the application on behalf of a number of the residents of the Foundry and its owner Hammerton (Lancashire) Ltd. Residents' concerns related mainly to noise in the general vicinity and incidences of anti-social behaviour, particularly in the early hours of the morning.

Samantha Faud, of Harrison Dury Solicitors, presented the case on behalf of the applicant AJP Leasehold Ltd. John McDonald, one of two directors of AJP Leasehold Ltd, spoke to provide additional information where appropriate.

Members and all parties present asked questions.

It was acknowledged that the issues of noise and anti-social behaviour could not specifically be attributed to the Bees Knees premises. It was also acknowledged that not all residents of the Foundry had been aware that the current premises licence permitted licensable activities to be carried out until 06:00 and that therefore this was not part of the application under consideration by the Sub-committee.

Members RESOLVED to go into private session for deliberations and to receive legal advice where appropriate.

DECISION

Regarding the Bees Knees, Hargreaves Street, Burnley – 30th January 2023

To grant the application to VARY the licence.

REASON FOR DECISION

The reason for the decision was that, after considering the application, the conditions agreed following mediation with the police and environmental health as responsible authorities, and all representations (written and as presented at the meeting) the Sub-committee determined that the grant of the VARIATION to the licence with the new /amended specified conditions to be consistent with the operating schedule, would not undermine any of the licensing objectives, namely that:-

1. the premises can operate from 10.00am until 06.00am Monday to Sunday
2. provision of late night refreshments from 11.00pm until 05.00am Monday to Sunday

3. to remove specified non mandatory conditions imposed in accordance with the operating schedule and to add specified conditions contained at Appendix B of the Report [copied below].

The Sub-committee acknowledged the concerns of objectors but did not have any evidence before it that the grant of the variation of licence would undermine the licensing objectives and no additional steps or conditions were appropriate in this case for the promotion of the licensing objectives.

APPENDIX B

SUMMARY OF APPROVED VARIATION OF (NON-MANDATORY) CONDITIONS

(NB: Mandatory Conditions will remain)

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.

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.

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.

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;					

New Conditions

Upon commencement of their employment, all staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Refresher training will be provided at least once every twelve months and all training will be documented and made available to an authorised officer upon request.

A CCTV system shall be installed at the premises and will meet the following criteria:

- The system will display on any recording the time and date of said recording;
- The system will be recording whenever the premises is open to the public;
- Any recordings will be retained for a minimum of 28 days after they are made and will be produced to an authorised officer upon request, so long as said request is in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation;
- As a minimum, the CCTV will capture a “head and shoulders” image of any person who enters the premises through a public entrance.

Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.

A competent person trained in the use of and operation of the CCTV will be in attendance at the premise at all times that licensable activities are taking place. Said person will be able to fully operate the CCTV system and be able to download data in a recognised format when requested.

Prior to any occasion on which licensable activities are to be carried on at the premises, a risk assessment will be carried out to determine whether door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk assessment. As a minimum two SIA door supervisors will be employed on Thursday, Friday and Saturday from 22.00 until the premises has closed.

A door supervisor’s log book will be kept at the premises and will record the date, the door supervisors name, badge number and times they were employed.

The premises will have a written zero tolerance drugs policy which is enforced at all times.

Access to any outside area used for the consumption of alcohol will be via the premises only except in the case of an emergency.

The management of the premises will ensure that the area immediately outside the entrance to the premises is kept clean, tidy and free from litter.

The premises will have a written dispersal policy designed to encourage patrons to leave the venue and the area quickly and quietly.

On any occasion that live music is carried on at the premises, regular assessments of the noise emanating from the premises will be undertaken. Wherever said assessments indicate that noise is likely to cause nuisance to any local residents, remedial action will be taken. Said assessments will be documented and produced to an authorised officer upon request.

When the premises has live or recorded music playing after 22.00 all windows and doors are to be kept closed except for the entrance/exit door and in the case of emergency.

No persons under the age of 18 will be permitted on the premises after 19.00.

A “Challenge 25” Policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:

- A Passport;
- A UK Photocard Driving Licence;
- Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
- Any other form of identification agreed with a representative of the Police Licensing Unit.

All staff who are involved in the sale of alcohol will be trained in relation to the “Challenge 25” policy upon the commencement of their employment, following which they will undertake refresher training at least once every twelve months. Said training will be documented and will be made available to an authorised officer upon request.

Additional Conditions agreed between applicant and police

During High Risk football matches at Burnley FC – From the start of permitted hours until at least two hours after final whistle, only plastic glasses to be used.

During High Risk football matches at Burnley FC – At least two SIA-registered door staff will be present at the premises two hours before kick-off and at least two hours after the final whistle.

We also agree to amend the condition relating to CCTV to state that recordings will be retained for 28 days instead of 14 days

Additional Conditions agreed between applicant and environmental health

Noise emanating from the external seating area will be monitored by staff and use of the external areas for consumption of alcohol will not be permitted after 01.00am.

No music will be played in the external seating area

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REPORT TO LICENSING SUB-COMMITTEE



DATE	26th April 2023
PORTFOLIO	Community & Environment
REPORT AUTHOR	Lisa Tempest
TEL NO	01282 425011
EMAIL	licensing@burnley.gov.uk

Licensing Act 2003 application to Vary a Premises Licence
Padiham Service Station, Burnley Road, Burnley

PURPOSE

1. To consider an application under section 34 of the Licensing Act 2003 (The Act) received from Park Garage Group PLC to Vary a Premises Licence for Padiham Service Station, Burnley Road, Burnley.
2. A copy of the application is attached at Appendix A, together with a copy of the current premises licence and plan at Appendix B.

RECOMMENDATION

3. Members are recommended to make a determination under section 35 of the Act with a view to promoting the licensing objectives.
 - The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

The committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- To grant the application;
- To modify the conditions of the licence, (ie alter, omit or add new conditions), to such an extent as are considered appropriate for the promotion of the licensing objectives;
- To reject the whole or part of the application.

The licence will remain subject to the Mandatory Conditions laid out in the Act.

REASONS FOR RECOMMENDATION

4. Members of the Licensing Committee are responsible for determining such applications.

SUMMARY OF KEY POINTS

5. An application to vary the premises licence under the Licensing Act 2003 was received by the Licensing Authority on 27th February 2023.

Details of the variations requested are detailed in the application form and they are summarised as follows:

- To vary the hours for the sale of alcohol. The current licence permits the sale of alcohol for consumption off the premises from 7am to 10pm Monday to Sunday. The application seeks to change/increase the sale of alcohol for consumption off the premises to 24 hours Monday to Sunday inclusive.
- To add late night refreshment between 11pm and 5am Monday to Sunday
- To add specified conditions (section M of the application form at Appendix A)

Copies of the application were sent to all Responsible Authorities.

During the prescribed period, representations were received from the Environmental Health Officer on 23/02/2023 and they are included at Appendix C.

Relevant representations were also received within the prescribed period from 9 individuals and copies of those representations are attached at Appendix D.

Members are reminded that representations are relevant where they relate to the likely effect of the grant of the application on one or more of the 4 licensing objectives which are:

- PREVENTION OF CRIME & DISORDER
- PUBLIC SAFETY
- PREVENTION OF PUBLIC NUISANCE
- PROTECTION OF CHILDREN FROM HARM

The applicant has, at section M, detailed the steps they intend to take to promote the four licensing objectives. This schedule is incorporated into the licence as conditions when a licence is granted. Sub-Committee can modify, i.e. alter, omit or add to these conditions following a hearing.

Notice of a hearing has been sent to the applicant and to each of the persons from whom the licensing authority has accepted a representation.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. None

POLICY IMPLICATIONS

7. The following paragraphs from Burnley Borough Council's Statement of Licensing Policy 2022 – 2027 are relevant to this application:

1.2 The policy sets out how the Licensing Authority will carry out those functions and make licensing decisions. Departures from this policy may be appropriate in exceptional situations depending on the individual circumstances of the case. The aim of this policy is to outline how the Licensing Authority intends to apply the licensing regime to promote a vibrant entertainment and cultural industry that boosts the local economy, whilst securing the safety and amenity of residential and business communities and enhancing community wellbeing.

1.4 The licensing function is carried out with a view to promoting the four licensing objectives which are:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Each licensing objective has equal importance.

1.5 Licensing functions will be discharged with integrity and objectivity, and in accordance with the Equality Act 2010. As required, each application will be considered on its own individual merits. Unless representations are received an application must, and will, be granted in the terms sought, i.e. in accordance with the licensable activities applied for, the licensed hours applied for, the operating schedule and mandatory conditions.

1.6 The 2003 Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. It is recognised that the Act is not the primary mechanism for controlling nuisance by individuals once they are away from the premises, and beyond the control of the holder of a licence, club certificate or temporary event authorisation.

1.8 The Licensing Authority is committed to cooperative, partnership working with the trade, police, fire and rescue service, Responsible Authorities, Burnley Business Improvement District, local businesses, residents and others to promote the licensing objectives.

The following extracts from the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003, issued in 2022 are also relevant:

9.12 Each responsible authority will be an expert in their respective field, and in some cases, it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing

authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

DETAILS OF CONSULTATION

The statutory consultation has taken place.

BACKGROUND PAPERS

9. Burnley Borough Council Statement of Licensing Policy.
Licensing Act 2003.
Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003, issued in 2022.

FURTHER INFORMATION

PLEASE CONTACT:

Lisa Tempest at licensing@burnley.gov.uk

ALSO:

Karen Davies at licensing@burnley.gov.uk

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Park Garage Group PLC

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PLA0332

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Padiham Service Station Burnley Road			
Post town	Burnley	Postcode	BB12 8SS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	16000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
2	8	032023

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation

Park Garage Group are a family run business established in 1975 and have approximately 50 sites operating 24 hours a day. Of those sites, almost all are licensed to sell alcohol for 24 hours along with other products. Most of their sites are in the London area.

The premises on Burnley Road is a well-established forecourt business and having run the site for so many years they fully understand and have a comprehensive knowledge of the local area, both its layout and physical environment and the proximity to residential premises.

To mitigate the sales of alcohol and its impact on the licensing objectives a number of robust conditions have been included as part of this application.

This application is to change the premises sale of alcohol and opening hours to 24 hours, with the addition of adding late night refreshment.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	2300	0500	<u>Please give further details here</u> (please read guidance note 5)		
Tue	2300	0500			
Wed	2300	0500	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	2300	0500			
Fri	2300	0500	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	2300	0500			
Sun	2300	0500			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9) MONDAY TO SATURDAY HOURS TO REMAIN AS PER CURRENT LICENCE	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400			
Thur	0000	2400			
Fri	0000	2400			
Sat	0000	2400			
Sun	0000	2400			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10). NONE</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 All current conditions to be removed and to be replaced with more up to date versions

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

b) The prevention of crime and disorder

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.

c) Public safety

An incident register will be maintained at the premises and made available to the authorities on request.

d) The prevention of public nuisance

A register of refusals of alcohol will be maintained at the premises. The register will be made available for inspection by the Police and other responsible authority. Notices will be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents.

e) The protection of children from harm

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.
 Posters will be on display advising customers of the 'Challenge 25' policy.
 The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age ID card bearing the PASS hologram.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	27/02/23
Capacity	Authorised agent

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
------------------	--	------------------	--

Telephone number (if any)	
----------------------------------	--

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Burnley Borough Council

Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT

Tel: 01282 425011
Web: www.burnley.gov.uk
licensing@burnley.gov.uk



Licensing Act 2003

Premises Licence

PLA0332

Part 1 - Premises Details

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

Padiham Service Station

Burnley Road, Burnley, Lancashire, BB12 8SS.

T€

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
J. Supply of alcohol for consumption	OFF the premises only Monday to Sunday	7:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	10:00pm

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

- J. Supply of alcohol for consumption OFF the premises only

Part 2

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

Park Garage Group PLC

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

Park Garage Group PLC

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

Licensing Act 2003

Premises Licence

PLA0332

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

Licence No. [REDACTED]

Issued by Burnley

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

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, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

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

An extensive CCTV system shall be in operation to provide security and identify any culprit who is intent on causing trouble. There is a monitor on the shop floor. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police.

All staff shall be trained in the operation of the CCTV system to ensure it is operational during the hours of trade. Images shall be made available to the police or authorised licensing officer on request.

Youths shall be encouraged to move from the entrance to the store to prevent the potential of causing nuisance to customers, either in requesting they purchase alcohol on their behalf, or general intimidating behaviour. The entrance to the store is also visible from the till point area and so can be monitored by the staff. CCTV cameras will also pick up any disturbances in this area.

The premises shall operate a "Challenge 25" policy whereby anyone who appears to be under the age of 25 shall be asked to provide photographic ID. Only the following forms of ID shall be accepted:

Licensing Act 2003

Premises Licence

PLA0332

ANNEXES continued ...

Passport
Photo card driving licence
Proof of age card with PASS hologram

Any staff member under the age of 18 must call a senior member of staff to take over the sale of alcohol and complete the transaction.

If it is known that a customer intends to purchase alcohol to provide to minors then that sale shall be refused.

All refused sales shall be documented in a refusal book which shall be made available for inspection by police or licensing officers of the Council on request.

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

Licensing Act 2003

Premises Licence Summary

PLA0332

Premises Details

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

Padiham Service Station

Burnley Road, Burnley, Lancashire, BB12 8SS.

Te

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
J. Supply of alcohol for consumption	OFF the premises only Monday to Sunday	7:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	10:00pm

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

- J. Supply of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

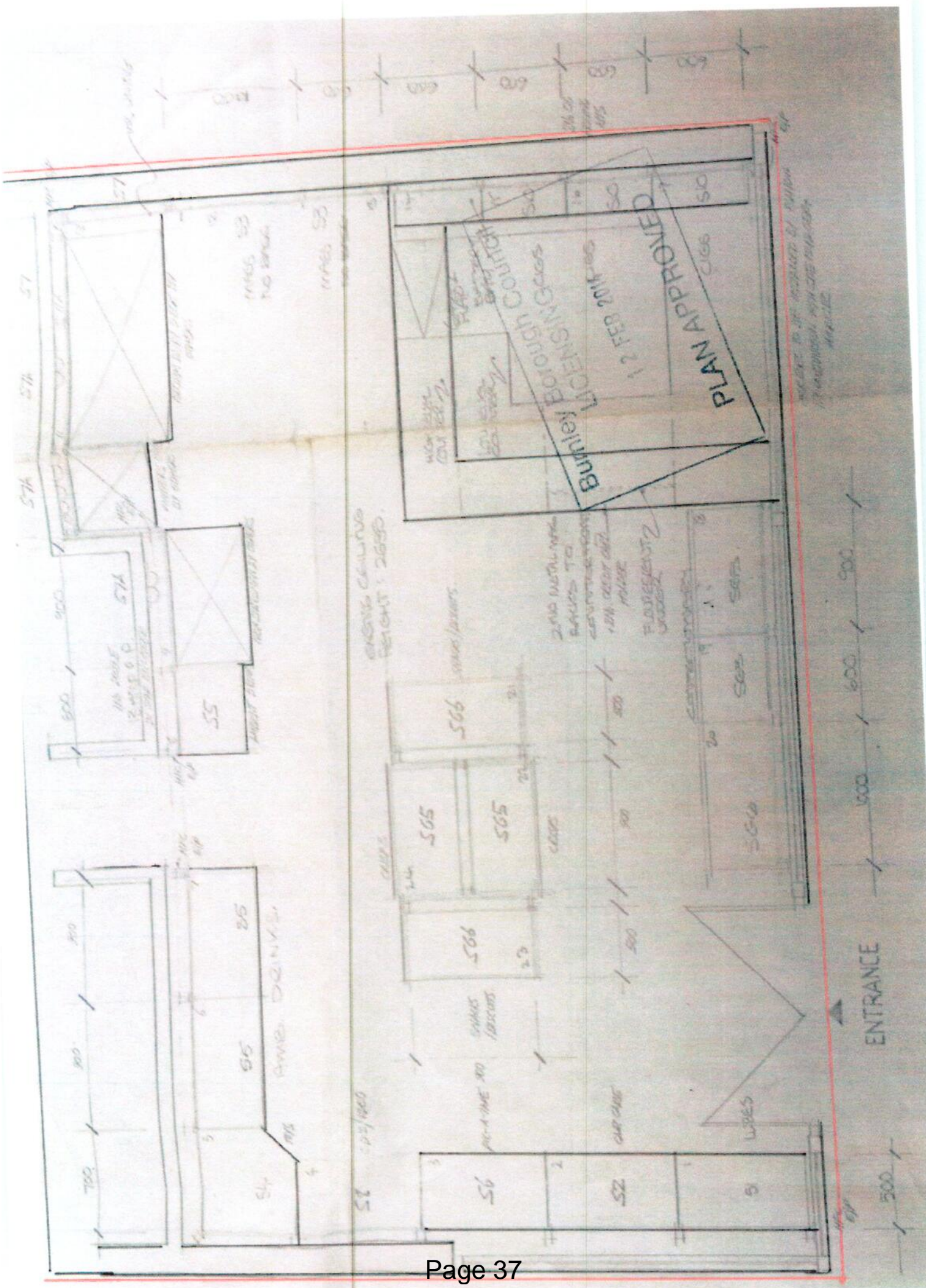
Park Garage Group PLC

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

Park Garage Group PLC

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



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Dear XXXX

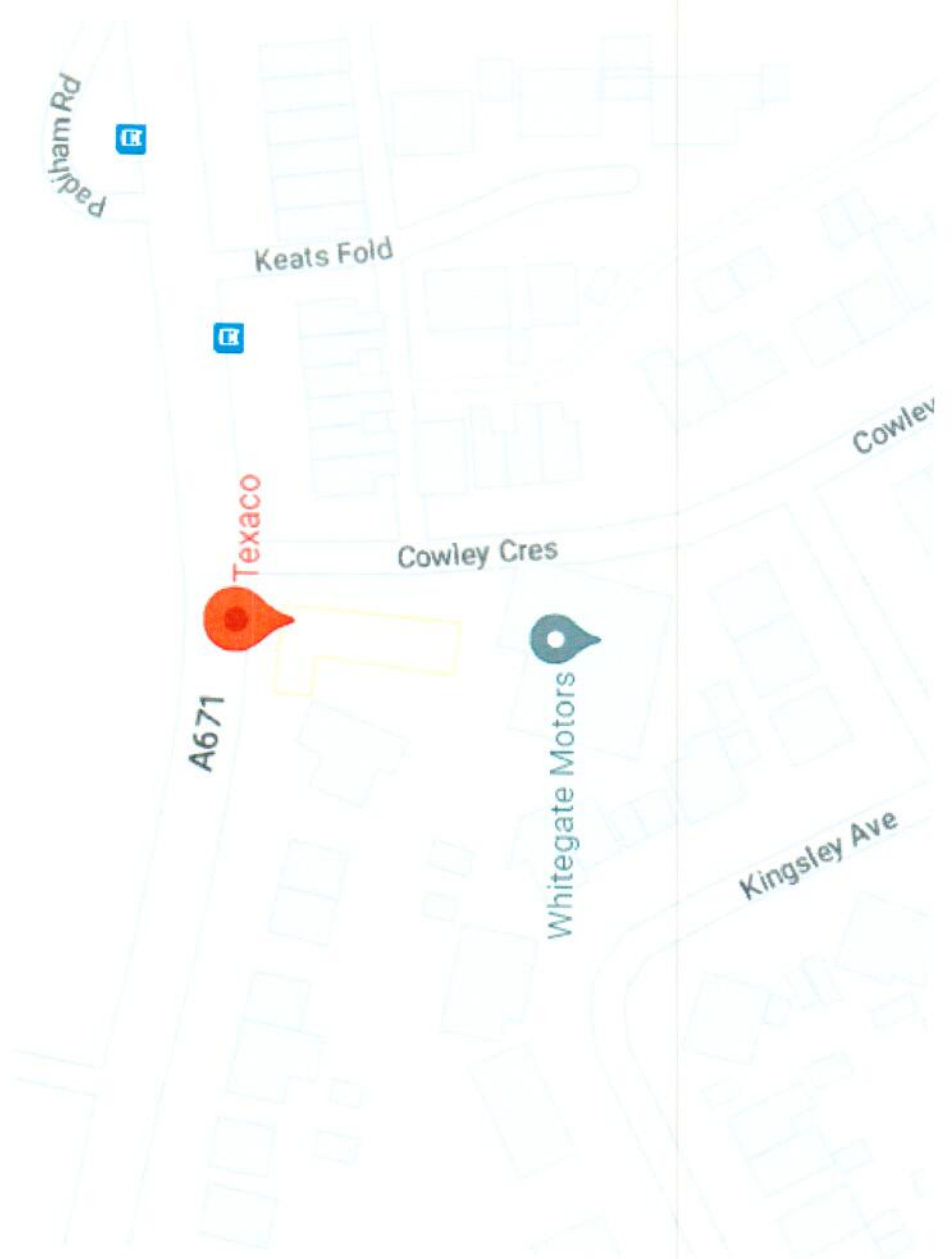
I write in reference to the above application. As a responsible authority representing Environmental health I am of the opinion that granting this application is likely to undermine the Prevention of Public Nuisance licensing objective. My reasons for this opinion are as follows;

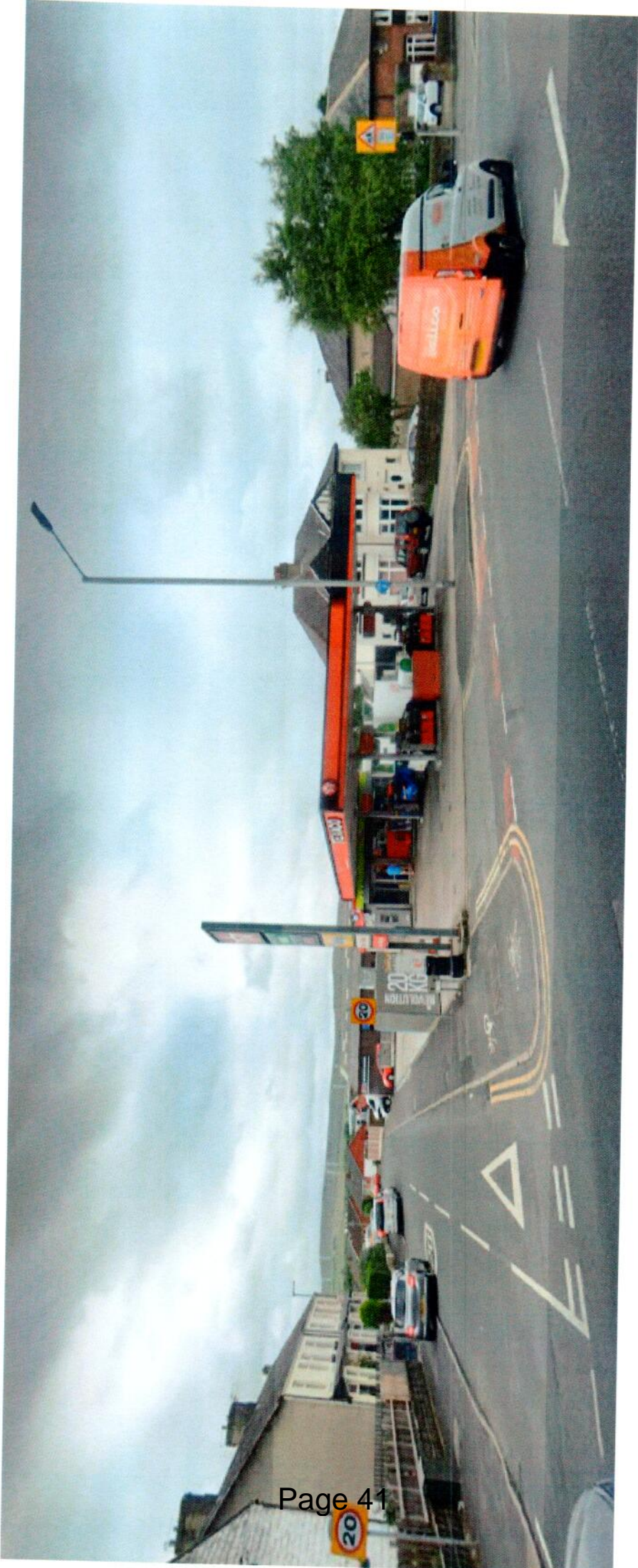
The Petrol service station fore court and shop are situated in close proximity to residential dwellings on both sides. There are also residential properties behind the service station on Kingsley Avenue (see map and screenshots below). In my view the noise impact of the activities at the premises namely customers coming and going on foot (talking/shouting), by car (revving engines, car doors slamming shut), Petrol pumps operating (car wash & laundry unit operating?) have the potential to cause disturbance at nearby noise sensitive dwellings during the night and early morning when background levels of noise are usually lower and residents are trying to sleep.

The application states under the Prevention of Public Nuisance objective that "Notices will be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents". In my view this would not address the potential nuisance from that could result from extending operating hours to the 24hours operation.

Regards

Principal Environmental Health Officer







Dear Sirs,

I am writing to object to the above application for a 24 hour licence.

I live on XXXX close to the garage and have very real concerns particularly regarding public nuisance and noise.

The garage already creates a large amount of noise throughout the day, not only with the amount of cars coming in and out, which also creates backlogs of traffic outside the house, but with people purchasing their various items. Rubbish is already constantly being dropped outside the houses or thrown over the walls as they discard their food wrappings and cans etc. This problem will definitely increase if they are allowed to continue to use the garage as a shop all through the night. Serving alcohol will clearly impact on this behaviour, and noise issues will be far more prominent during the night as there are far less cars on the road. This will also be much worse in summer when bedroom windows are often left open.

It is unlikely that sensible car drivers will be purchasing petrol during the night, and far more likely to be younger ones purchasing alcohol. This is another cause for concern, with the possibility of drinking while driving, or passengers drinking in cars.

There is also an issue with young teenagers hanging around Padiham at night, and they will no doubt venture up to the garage to do the same there. Many older people live in small bungalows in the area, and it is likely that crime would increase, with damage to property and cars to be expected. There is no doubt that a 24 hour licence would cause a public nuisance, and a worry for many of the residents.

In addition, I believe an application was put forward for a garage on the old school ground on Burnley Road. This was apparently refused because of the residents objections, and yet they are living much closer to the town centre. It would surely therefore be deemed inappropriate and unfair to grant this licence in a settled residential area.

I sincerely hope that a sensible approach to the application will be given, and that it is ultimately refused.

Kind Regards,

XXXX

Dear Sir/Madam

I am writing to object the application for the Texaco Garage on Burnley Road, Padiham BB12 8SS. I live on XXXXXXXX which is very close proximity. I have several concerns if the garage was to be open 24 hours a day, not only the license to sell alcohol 24 hours:

- Noise will be an issue throughout the night if the public use the garage by car. I assume they will be open to sell petrol etc as well as alcohol and light refreshments. Cars calling in the garage will be noisy through the night. We can hear the pumps and cars now so I'm sure this would be more evident in the quietness of night. Especially in summer when our house windows may be open.

Also on noise, if teenagers start hanging around the garage, which is evidently happening at the supermarkets in Padiham creating trouble. Our area is very quiet and not many people pass through as it's mainly residents.

- There would definitely be an increase with anti social behaviour if alcohol is sold or even available to buy late at night/throughout the night. Why would anyone want to shop for alcohol at eg. 2am in the morning other than they are already intoxicated and need more!

- Safety of our property we are concerned if people who have had too much alcohol are walking around our area they may/could cause damage to properties cars etc. As we are aware risks of antisocial behaviour is evident when people are drunk.

- Increase in rubbish being thrown around our area

- Many of the residents on our avenue are elderly and could be vulnerable if crime and disorder occurred due to any antisocial behaviour arising from increased alcohol sales in our area.

My other main reason to object to the garage being open 24hours a day also selling alcohol and light refreshments is that there was a planning application sent in to you I believe last year to build another garage and food outlet further down Padiham Road on the old school land after it was demolished. This I believe was rejected by you due to objections from residents around that area. Why should this be allowed just 2minutes up the road in our area?

Thank you for looking into this objection and we do hope you reject the application

Yours Sincerely

XXX

Dear Sir/Madam

I am writing on behalf of my mother, XXXX has lived at XXXX for the last XX years.

XXXX is very much a retirement area and the residents are mostly elderly and suffer from various health issues. Therefore to have the Texaco garage with a 24 hour alcohol license would be adversely affect their way of life.

80% of the residents would be deemed to be in the vulnerable category therefore public safety, crime and disorder and public nuisance ie noise late at night could become a real problem.

Apart from these concerns, living XXXX to XXXX is XXXX and required 2 careers with her 24 hours a day. If someone left her gate open she XXXX this situation could escalate very quickly.

Therefore I would ask you to seriously consider what impact of a 24 hour alcohol licence would have on the surrounding area

Yours sincerely

XXXX

23rd March 2023

I would like to raise an objection to this application above.

I live in a decent residential area and can't see why a 24 hour licensed premises is necessary here. I think that a licence to sell alcohol being granted would encourage an element of undesirables hanging about at all times of day and night.

The ATM installed at the premises has been targeted/vandalised many times and i understand it is now out of action again.

There is also already licensed premises approx 50 yards away on the main road and a couple more within 5 minutes or so away.

Our avenue is already congested at certain times of the day with schoolchildren who use the area as short cuts also cars/ taxis use it as a rat run. Parking gets impossible.

Litter being being dropped and broken glass everywhere is not acceptable either.

I also know of a few instances where windows have been broken due to the youths of today having "what they call fun".

I believe that Tesco in the town was supposed to be open 24 hrs and that no longer is the case , due to the element of youth being out of control and causing havoc and undesirables hanging around. Therefore they will just move on to the next target.

I certainly feel these past events need to be addressed when considering more applications for new licences.

Yours in anticipation

XXXX

My name is XXXX

I am writing to object to the application regarding the extension of the opening hours and availability to purchase alcohol 24 hours a day at the above garage.

As a resident that lives within a very close proximity of the garage I am writing to strongly object to this application. I do not feel any justification for the need for this premise to have this change.

In 2022 I believe permission for a 24 hour garage and shop was refused in Padiham on the old County Primary school sight due to safety reasons and residents disapproving, the above garage address is on the same road and only two minutes away. Also when Tesco was built in Padiham as a 24 hour store there were numerous complaints regarding anti social behaviour and safety issues resulting in there opening hours being reduced overnight. I believe having two supermarkets in Padiham open until 10 pm daily fills the need for alcohol and light refreshments to be sold, plus a shop not 250 yards away from the garage that also sells alcohol and food.

Residents homes sit almost on the car park of this garage plus the estate behind where I am a resident I feel I could be more open to public nuisance and disturbance and the worry of safety in my home due to the garage being open during these extended hours and especially the unnecessary availability of alcohol that more than likely would cause some disturbance.

Residents should not be made to feel under pressure from this application when there is absolutely no need for it in the first place as it could and most possibly would promote noise, crime and disorder in a quiet area of the town which is something police and communities are trying to avoid. May I also say it very much concerns me that we are not protecting our young people when the garage is within very close proximity to Shuttleworth High school where pupils and others could take advantage of knowing alcohol is available during the night that could be taken onto school property for misuse.

This garage has been open for many years serving mostly the people of Padiham. Thankyou for looking at this objection and hopefully rejecting the application and hope that the application is met on the needs of Padiham and not the owners of the garage comparing it with cities and towns where they may own more garages.

Yours sincerely
XXXX

Sir,

I write with regard to the above application.

I wish to inform you that my husband and I strongly object to the extension of the garage's license to 24 hours for the following reasons:

1. This is a residential area and during the late evening to early morning i.e. 22.00 to 06.00 hrs, the area is quiet. My husband and I are close neighbours to the said garage and are worried that the selling of alcohol and light refreshments during the night hours will create countless disturbances and that these disturbances will only increase exponentially once the garage becomes well known for selling alcohol and light refreshments during these hours. We presume that petrol will also be sold during these hours which in turn will increase the noise with car doors banging and petrol pumps being in use especially during the summer months when our windows will be open.
2. Teenagers will be encouraged to hang around the garage at all hours, causing trouble and generally being anti-social.
3. The possibility of damage to our property and car, which is on our drive, will increase as intoxicated people and teenagers pass by and feel it is a joke to damage the property of others.
4. The amount of litter will increase greatly.
5. There are already many outlets for alcohol in Padiham, one of which is just a few hundred yards from the garage at the corner of Byron Street. Trouble is already being experienced outside supermarkets in Padiham with people hanging around and being anti-social. This is not something we wish to see in this residential area.
6. My husband and I are elderly and would feel very vulnerable if the behaviour mentioned above were to take place. As we are sure you are aware, the police cannot react quickly enough to calls for help should the need arise.
7. In addition, we are of the understanding that an application for another garage and food outlet just a couple of minutes down the road in Padiham was rejected last year due to objections from residents. Why should our residential area be treated differently?

My husband and I do hope you reject this application as it will no doubt be detrimental to our quality of life should you allow this application to go through.

XXXX

I would like to put forward my objection to the extension to the liquor license for the Texico Garage padiham road.

As a local resident I cannot see any benefit to the local area or community if this license is granted. The local area is mainly single story bungalows that are occupied by the elderly in the community. With the increase of availability to alcohol on a 24hr period will only attract nuisance and antisocial behaviour to what is a calm and peaceful environment.

The area that this will impact is quite large, Padiham road, Cowley crescent, Victoria road, Masfield Ave and Kingsley Ave.

I understand that businesses have to evolve to survive, but not at the expense of other peoples health and welfare and peace of mind.

Many thanks

Dear Sirs,

I am writing to strongly object to the application for 24 hour licence at the Texaco Garage on Burnley Road Padiham.

My family and I live on XXXX very near the garage and I am concerned that this application will have an increase in public nuisance and risk the safety of residents.

This is a residential area and although on a main road between the hours of 10pm-6pm the area is quiet.

I believe that petrol will also be sold if the licence is granted which will increase noise to residents, cars revving and doors slamming, plus the noise of the pumps.

The garage already causes issues with traffic noise plus difficulties getting in and out of our property when cars are leaving the garage, sometimes at high speed to escape cars coming down Burnley Road.

Rubbish is also another issue that we have to constantly deal with being thrown on our drive. After customers have purchased from the garage they discard their empty packets and bottles of pop on the floor which then ends up on our property. This I am sure will turn to bottles and cans of alcohol being thrown on our property and potential at our vehicles during the early hours.

There is no other shop within Padiham selling alcohol that is open 24 hours so this will increase the usage of the garage, creating more noise from cars plus anti-social behaviour. Tesco isn't open 24 hours due to the incidences of anti-social behaviour that they had to contend with. The garage being granted this licence will then move all the teenagers that were causing these issues at Tesco to the Texaco Garage. There are many elderly residents living near the garage and I am sure that crime will increase which will then cause distress to many of these residents.

I am also concerned with regards to the proximity to 2 secondary schools and the risk that this may encourage young people to buy alcohol from this garage in an evening and potentially take this into school or increase their risk of exploitation if intoxicated.

There was an application put in for a garage on the land of the old Padiham Primary school which was objected to because of the residents living near by. It would then not make any sense to grant permission for the Texaco garage to have this licence in a much quieter residential area.

We can already hear the pumps from the garage and even more in summertime when we have windows open, plus the noise of the car wash, which will then continue into the early hours if this licence is granted.

It wasn't that long ago that we all had to evacuate our properties due to a bomb threat at the garage.

I do hope that you reject this application as it will have a huge impact on the residents lives and safety if this is granted.

Regards

XXXX

I would like to put forward my objection to the extension to the liquor license for the Texico Garage padiham road.

As a local resident I cannot see any benefit to the local area or community if this license is granted.

The local area is mainly single story bungalows that are occupied by the elderly in the community.

With the increase of availability to alcohol on a 24hr period will only attract nuisance and antisocial behaviour to what is a calm and peaceful environment.

The area that this will impact is quite large, Padiham road, Cowley crescent, Victoria road Masefield Ave and Kingsley Ave.

I understand that businesses have to evolve to survive, but not at the expense of other peoples health and welfare and peace of mind.

Many thanks

Suggested form for use in making a Representation in relation to an Application

I (insert name of person making representation whether as an individual or on behalf of a group or authorised to make a representation as a responsible

.....
11/07/2023

Name, address or premises or club premises in respect of which you are making representations. PADHAM SERVICE STATION BURNLEY ROAD	
Post town BURNLEY	Post code (if known) BB12 8SS

Name of premises licence holder or club holding club premises certificate (if known)
PARK GARAGE GROUP PLC

Section 2 - Applicant details

I am;

Tick as appropriate

- (a) an interested party being a person living in the vicinity of the premises
- (b) a body representing persons living in the vicinity of the premises
- (c) an interested party being a person involved in business in the vicinity of the premises
- (d) a body representing persons involved in business in the vicinity of the premises
- (e) a responsible authority

Please provide your details below. If you are an individual applicant complete Section A only. If you are a body representing an interested party complete Section B only. If you are a responsible authority complete Section C only.

This completed form must be returned to Burnley Council BEFORE the last date that representations can be accepted

Suggested form for use in making a Representation in relation to an Application

A. DETAILS OF INDIVIDUAL APPLICANT (tick as appropriate)

Mr.	<input checked="" type="checkbox"/>	Mrs.	<input checked="" type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other	<input type="checkbox"/>
-----	-------------------------------------	------	-------------------------------------	------	--------------------------	----	--------------------------	-------	--------------------------

I am 18 years old or older	<input checked="" type="checkbox"/>
----------------------------	-------------------------------------

Current address

Landline telephone number
Mobile telephone number
E-mail address

B. DETAILS OF OTHER APPLICANT SUCH AS A BODY REPRESENTING RESIDENTS OR BUSINESSES IN THE VICINITY OF THE PREMISES

Name of the Body	AS ABOVE
------------------	----------

Surname of person representing the body		First Name of person representing the body	
---	--	--	--

Address

Postcode

Landline telephone number
Mobile telephone number
E-mail address

This completed form must be returned to Burnley Council BEFORE the last date that representations can be accepted

Suggested form for use in making a Representation in relation to an Application

C. DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name of the responsible authority	
--	--

Surname of representative of responsible authority	First Name of representative of responsible authority
---	--

Address of responsible authority

Postcode

Landline telephone number	
Mobile telephone number	
E-mail address	

Section 3 details of the licensing objectives which will be undermined by the variation.

This representation relates to the following licensing objective(s) (tick as appropriate)

the prevention of crime and disorder	<input checked="" type="checkbox"/>
public safety	<input type="checkbox"/>
the prevention of public nuisance	<input checked="" type="checkbox"/>
the protection of children from harm	<input type="checkbox"/>

This completed form must be returned to Burnley Council **BEFORE** the last date that representations can be accepted

Suggested form for use in making a Representation in relation to an Application

Section 4 information and details of the representation.

Please note that your representations can only be relevant to the application.

Please state the grounds for your representation

WE ARE MAKING THIS REPRESENTATION TO OPPOSE THE
APPLICATION OF THE CHANGE OF OPENING HOURS AND
ALCOHOL SALES AND LATE NIGHT REFRESHMENTS AT PADMAM
SERVICE STATION BURLEY ROAD, BURLEY BB12 8ES.

AS THE SERVICE STATION IS IN A RESIDENTIAL AREA THIS
WOULD LEAD TO AN INCREASE IN GROUPS GATHERING TO
ACCESS THE PURCHASE OF ALCOHOL AT ALL HOURS RESULTING
IN ANTI-SOCIAL BEHAVIOUR AND CRIMINAL ACTIVITY. THERE
HAVE BEEN DRUG AND ALCOHOL PROBLEMS IN THE PAST
DURING DAYTIME HOURS.

AT THE BACK OF OUR PROPERTY IS A PRIVATE CAR PARK
BELONGING TO WHITEHATE MOTORS AND ALSO A BACK STREET
AND A LARGE AREA OF LAND WITH GARAGES ALL OF WHICH
WILL BECOME PUBLIC QUIZANCE BEHAVIOUR AS POTENTIAL
GATHERING PLACES DURING THE DAYS AND EVENINGS WE
HAVE EXPERIENCED SCHOOL CHILDREN THROWING RUBBISH
INTO GARDENS AND YOUNG CU QUAD BIKES BEING VERY
NOISY THROUGHOUT THE NIGHT ~~IF~~ THIS TYPE OF BEHAVIOUR
IS AGGRAVATED BY ALCOHOL IT WOULD DESTROY THE PEACE
AND QUIET OF THIS COMMUNITY AND UPSET MANY ELDERLY
RESIDENTS. SOME WHO ARE VULNERABLE AND LIVE ON
THEIR OWN.

Please provide as much information as possible to support your representation. Please note that if you have not disclosed this information, you may not be able to introduce it at the hearing unless all the other parties consent. (add further information on extra pages and attach if relevant)

PLEASE FIND ENCLOSED FURTHER
PHOTOGRAPHIC EVIDENCE OF POTENTIAL
GATHERING AREAS AT THE REAR OF
SEVERAL RESIDENTIAL PROPERTIES

This completed form must be returned to Burnley Council BEFORE the last date that representations can be accepted.

Suggested form for use in making a Representation in relation to an Application

It is only in exceptional circumstances that personal details (name and address) will be removed from representation correspondence.

The current guidance states withholding such details should only be considered where the circumstances justify such action.

If a person making representations considers that this paragraph applies then they must provide written details to support that in their submission.

add further information here (if applicable)

Section 5

Have you made any representations in respect of these premises before? (Delete as appropriate)	Yes	No
Date that you made representations		N/A

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation.	Please tick <input checked="" type="checkbox"/>
---	---

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION OR REPRESENTATION.

Section 6 Signatures

Signature of person making representation or a solicitor or other duly authorised person acting on behalf of a body representing a person living or carrying out a business or other activity in connection with the representation

Signature

Date

Capacity HOUSEHOLDER

This completed form must be returned to Burnley Council BEFORE the last date that representations can be accepted

VICINITY OF SERVICE STATION DURVILLE / KOPAU



1



2



3



4



5



6



7

1) BACK ST ONTO COWLEY CRESCENT

2) BACK ST REAR "

3) " " "

4) REAR OF SERVICE STATION
COWLEY CRESCENT

5) BACK ST. OFF KEATS FOLD

6) REAR OF KEATS FOLD

7) CAR PARK OF WHITEGATE MOTORS

COWLEY CRESCENT OPPOSITE NEXT TO SERVICE STATION

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BURNLEY BOROUGH COUNCIL

LICENSING ACT 2003

THE CONDUCT OF HEARINGS

1. Application

- 1.1 All hearings subject to the Licensing Act 2003 (Hearings Regulations) 2005 will be held in accordance with this procedure. The Schedule to this procedure details the hearings which are subject to this procedure.

2. Time of Hearing

- 2.1 Hearings will commence within the times illustrated in Column 2 of the Schedule, and where the hearing is scheduled to take place on more than one day, it will take place on consecutive working days.
- 2.2 Hearings will normally take place from 2-5pm or 6-9pm on the day of the hearing, but hearings may take place at the discretion of the Committee or Sub-Committee appointed to hear the matter in exceptional circumstances.

3. Members of the Committee or Sub-Committee

- 3.1 Where the full Licensing Committee sit to hear an application, the full Committee will sit, excluding a member who:
- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
 - b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated

- c) has become an interested party by representing the applicant or any interested party prior to the hearing.

3.2 Where a Sub-Committee sit to hear an application, it will consist of 3 members of the full Committee and will exclude a member who:

- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
- b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated
- c) has become an interested party by representing the applicant or any interested party prior to the hearing.

Where hearings are conducted remotely a 4th substitute Member may also be present.

3.3 Members will act in accordance with the Licensing Act 2003, be aware of the Local Authority Co-ordinators of Regulatory Services Guidance on the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003 and the requirements of the Standards Board for England and Wales.

4. Opening of a Hearing and Identifying Parties to the Hearing

4.1 The Chair of the Committee or Sub-Committee will introduce the members of the Committee or Sub-Committee.

4.2 The Licensing Manager or Legal Advisor will advise the Committee or Sub-Committee but will not make recommendations or be part of the determination process. They will not retire with the Committee or Sub-Committee members for the purposes of a determination but the Legal Advisor may be asked by the Committee or Sub-Committee to give advice.

4.3 At the commencement of proceedings the Legal Advisor will identify in turn, each party to the hearing who is present, and in relation to that party, whether they are represented, and if so, by whom.

4.4 The Legal Advisor will identify in turn each party to the hearing who is not present at the hearing and in relation to that party will clarify;

- a) whether there is evidence that they were given Notice of the Hearing

- b) whether that party has given notice that they intend to attend or be represented
 - c) whether that party has given notice that they consider a hearing to be unnecessary
 - d) whether that party has given notice that they wish to withdraw their representation
- 4.5 Where a party has given notice that they do not intend to attend or be represented, the Committee or Sub-Committee will state whether they intend to proceed in the absence of that party.
- 4.6 Where a party has not given such notice and has failed to attend or be represented, the Committee or Sub-Committee will then decide whether it is necessary in the public interest to adjourn the hearing to a specified date or hold the hearing in the party's absence. The Committee or Sub-Committee may invite representations from the other parties present on this issue before making their decision.
- 4.7 The Committee or Sub-Committee, should it decide to proceed must subsequently consider the application, representation or notice made by a party who does not attend, attaching the appropriate weight of evidence to it.

5. Hearings to be held in public

- 5.1 Unless the Committee determine otherwise following consideration of representations, if any, from the parties present, the hearing shall take place in public. A member of the public, unless a party to the hearing or a person granted permission to address the hearing by the Committee or Sub-Committee at the request of one of the parties, shall not be entitled to address the hearing.
- 5.2 Where representations are made under 5.1 above, such parts or the hearing as the Committee or Sub-Committee in their absolute discretion determine shall be held in private.
- 5.3 The decision at paragraph 5.2 and the reasons for it will be given in public, and the Committee or Sub-Committee will also state whether any party or any persons assisting or representing a party are to be treated as a member of the public for this purpose.

6. Commencement of the Hearing

- 6.1 The Legal Advisor will explain the procedures that the Committee or Sub-Committee will follow at the hearing. In particular the Legal Advisor will clarify that;:

- a) the hearing will take the form of a discussion led by the Committee or Sub-Committee and cross-examination will not be permitted unless the Committee or Sub-Committee considers that cross examination is required for it to consider the representations, application or notice as the case may require.
- b) Members of the Committee or Sub-Committee may ask a question of any party or other person appearing at the hearing.
- c) Members of the Committee or Sub-Committee may take into account documentary or other information produced to the authority before the hearing in support of their application, representation or notice. These will have been provided to the Committee or Sub-Committee members by the Licensing Manager prior to the meeting and the substantive content of the documents need not be repeated verbally at the hearing.
- d) Members of the Committee or Sub-Committee may take into account any new documentary or other information produced to the authority on the day of the hearing with the content of all other parties (if any) and the substantive content of any such documents need not be repeated verbally at the hearing.
- e) Parties will be allowed a maximum equal period to exercise their rights, such period to be determined by the Committee or Sub-Committee.
- f) Parties will be allowed to clarify points upon which they wish to support their application.
- g) Parties may seek permission to question any other party subject to Paragraph a) above.
- h) Parties may seek permission to address the Committee or Sub-Committee.

7. Procedure

- 7.1 The Licensing Manager or other appointed officer of the Licensing Authority are not a party to the hearing. The Manager will outline the facts of the application and relevant representations received from parties.
- 7.2 The Licensing Manager will then outline the legislation under which a determination is required.
- 7.3 The Licensing Manager will outline;

- a) Relevant parts of the Act
 - b) Relevant subordinate legislation
 - c) Relevant sections from the statutory guidance made under Section 182 of the Act
 - d) Relevant paragraphs of the Statement of Licensing Policy made under Section 5 of the Act.
 - e) The time limit which the Committee or Sub-Committee must make a determination under the law.
- 7.4 Each party to the hearing present will then in turn provide information supporting or clarifying of their representations – commencing with the Responsible Authorities, followed by any interested party and then the applicant.
- 7.5 The Committee or Sub-Committee may advise all the parties of details of representations they have received from parties not present.
- 7.6 Thereafter each party, commencing with the Responsible Authorities, followed by any interested party and finally the Applicant, will be given an opportunity to summarise their representations. No new evidence will be allowed to be introduced by any party during the course of any such summation.
- 7.7 The Committee or Sub-Committee will disregard any information given by a party or any other person to whom permission to appear at the hearing has been given which is no relevant to;
- a) Their application, representation or notice or in the case of another person, the application, representation or notice of the party requesting their appearance, and
 - b) the promotion of the Licensing Objectives or in the case of a hearing to consider a notice given by a chief officer of the police, the crime prevention objective only.
- 7.8 The Committee or Sub-Committee will satisfy themselves that they have heard all the relevant information and retire to make their decision in private.

8. Persons behaving in a disruptive manner

- 8.1 The Committee or Sub-Committee may require any person attending the, hearing who in their opinion are behaving in a disruptive manner to leave the hearing and may;
- a) refuse to permit that person to return, or
 - b) permit them to return only on such conditions as the Committee or Sub-Committee may specify

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

9. Adjournment of Hearing

- 9.1 The Committee or Sub-Committee may adjourn a hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this necessary to consider any representations or notice made by a party. (A s53C `summary review` to be determined within 28 days of receipt)
- 9.2 It will not adjourn a hearing in such a way to create an effect on the requirements of granting or rejecting an application under Schedule 8 of the Act or a review under Section 167 of the Act.

10. Determinations

- 10.1 The Committee or Sub-Committee will make its determination at the conclusion of the hearing but in certain circumstances may make a determination within a period of 5 working days of the last day of the hearing.

11. Notice of Determination

- 11.1 The Licensing Manager will issue a notice of determination forthwith to all parties. Such notice will include the reasons for the determination and details of the right of any party to appeal against the decision.

12. Record of Proceedings

- 12.1 The Democracy Team Officer will provide for a record of the hearing to be taken in a permanent and intelligible form and kept for 6 years from the date of determination.

SCHEDULE

Column 1		Column 2
Provision under which hearing is held.		Period of time which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises license)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c)
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 39(3)(a) (determination of application to vary premises license).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises license to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5)
5.	Section 44(5)(a) (determination of application for transfer of premises license).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6)
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2)
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 53C (review of premises licence following review notice)	To be determined 28 days after the day of receipt of the review application as prescribed under section 53A(2)(b).
9.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c)
10.	Section 85(3) (determination of application to vary club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4)

11.	Section 88(2) (determination of an application for review of club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c)
12.	Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2)
13.	Section 120(7)(a) (determination of application for grant of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 120(5)
14.	Section 121(6)(a) (determination of application for the renewal of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 121(3)
15.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 124(3)
16.	Section 167(5)(a) (review of premises licence following closure order)	10 working days beginning with the day after the day the relevant licensing authority received the notice given under section 165(4)
17.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8
18.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8
19.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 25(2) of Schedule 8