

LICENSING ACT 2003 SUB COMMITTEE

Friday, 20th October, 2023
10.30 am





LICENSING ACT 2003 SUB COMMITTEE

RECEPTION ROOM

Friday, 20th October, 2023 at 10.30 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.

AGENDA

1) *Apologies for Absence*

To receive any apologies for absence.

2) *Minutes of the last Meeting*

5 - 12

To approve as a correct record the Minutes of the last Licensing Act 2003 Sub-Committee meeting, held on 6th September 2023.

3) *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.

4) *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.

5) *Exclusion of the Public*

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

CONDUCT OF HEARINGS

13 - 22

6) *Determination of a Premises Licence Application*

23 - 84

To determine a Premises Licence application under the Licensing Act 2003 relating to Cocktails & Creamz, 25-29 Hammerton Street, Burnley:

Covering report – Public version

Covering report – Private version

Appendix A – Licence Application

Appendix B – Representations – Public version

Appendix B – Representations – Private version

Appendix C – Env. Health Conditions

Appendix D – Police Conditions

Appendix E – Operating Schedule

MEMBERSHIP OF COMMITTEE

Councillor Howard Baker
Councillor Karen Ingham

Councillor Anne Kelly
Councillor Sehrish Lone

PUBLISHED

Thursday, 12 October 2023

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BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Wednesday, 6th September, 2023

PRESENT

MEMBERS Councillor Anne Kelly (in the chair)

Councillors M Townsend and D Whitaker

OFFICERS

Sajada Khan	– Litigation and Regulatory Solicitor
Lisa Tempest	– Licensing Compliance Officer
Carol Eddleston	– Democracy Officer
Michelle Coogan	– Licensing Officer
Thomas Bracewell	– Environmental Health Officer

Also in Attendance

Applicant Party:

Sergeant Steve Dundon

Sergeant Gary Henningan

Megan Tollitt – Legal Counsel

Respondent Party:

Jason McQuoid – Premises Licence Holder

Rebecca McQuoid – Designated Premises Supervisor

Samantha Faud – Associate Solicitor

Kristian Torgerson – Paralegal (observer)

Ben Williams – Legal Counsel

Annalise Hodgson – Pupil (observer)

Responsible Authorities:

Licensing Authority:

Mark Walker – Workplace Compliance Officer

Public Health:

Andy Ascroft – Representative of the Director of Public Health for Lancashire,
Stephanie Duxbury – Senior Public Health Practitioner (observer)

12 Apologies for Absence

There were no apologies for absence.

13 Minutes of the last Meeting

The minutes of the meeting held on 3rd August 2023 were approved as a correct record and signed by the Chair.

14 Additional Items of Business

There were no additional items of business.

15 Declarations of Interest

There were no declarations of interest.

16 Exclusion of the Public

It was determined that the hearing would be held in public.

17 Review of a Premises Licence Application

Lisa Tempest presented a report which outlined an application for review of Premises Licence No PLA0345, (Mode, 77 Hammerton Street, Burnley), under Section 51 of the Licensing Act 2003 which had been submitted by Lancashire Constabulary on 12 July 2023.

In summary, the application for review had been submitted because it was the view of Lancashire Constabulary that the licensing objectives relating to the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm were not being observed at the venue.

Following presentation of the report all parties had an opportunity to ask questions of Ms Tempest.

There were no questions.

Megan Tollitt presented the case for Lancashire Constabulary.

All parties had an opportunity to ask questions of Ms Tollitt.

All members of the sub-committee and Mr Williams asked a number of questions, to which responses were provided by Ms Tollitt, with supporting information provided by Sergeants Dundon and Hennigan where appropriate.

At 12:12 members RESOLVED to adjourn until 12:25 for a comfort break.

The meeting reconvened at 12:26.

Andy Ascroft presented the case on behalf of the Director of Public Health for Lancashire.

All parties had an opportunity to ask questions of Mr Ascroft.

There were no questions.

Mark Walker presented the case on behalf of the Licensing Authority.

All parties had an opportunity to ask questions of Mr Walker.

All members of the sub-committee and Ms Tollitt and Mr Williams asked a number of questions, to which responses were provided by Mr Walker.

At 13:35 members RESOLVED to adjourn until 14:15 for a lunch break.

The meeting reconvened at 14:19.

Ben Williams presented the case on behalf of the respondent.

All parties had an opportunity to ask questions of Mr Williams.

All members of the sub-committee and Parties asked a number of relevant questions, to which Mr Williams replied, with supporting information provided by Jason McQuoid and Rebecca McQuoid where appropriate.

Each party was given an opportunity to sum up.

At approximately 16:45 members RESOLVED to adjourn for five minutes to agree the next steps.

The meeting reconvened at 16:50 and the parties were informed that the hearing would close at this point and that members of the sub-committee would meet in private at 10:30 the next morning to deliberate and to receive legal advice, where appropriate, before coming to a decision. The Legal Advisor and Democracy Officer would also be in attendance. The decision would be communicated in writing to all parties within five working days.

The meeting closed at 16:51.

At 10:30 on Thursday 7th September, members of the sub-committee met in private, with the Legal Advisor and Democracy Officer in attendance, to consider all of the representations and evidence that they had heard and to take legal advice, where appropriate. This meeting closed at approximately 12:50.

DECISION AND REASONS FOR DECISION

DECISION

Being the licensing authority on 12th July 2023 received an application for review of a premises licence in respect of a premises known as Mode, 77 Hammerton Street, Burnley, BB11 1LE.

The Licensing Sub-Committee heard the application for review of a premises licence regarding Mode night club in Burnley on the 6th September 2023. Upon detailed consideration of all relevant representations made to the Sub-Committee by the parties and taking into account guidance relating to HM Government's Licensing Act, 2003 the Sub-Committee specifically bore in mind all four licensing objectives and took account of Burnley Council's Licensing Policy and the Guidance published by the Secretary of State under Section 182 of the 2003 Act the decision of the Committee is to **revoke** the premises licence PLA0345.

REASONS FOR THE DECISION

The reason(s) for the decision is that after considering the application in length the Sub-Committee found numerous breaches of conditions attached to the premises licence PLA0345 and that the licensing objectives are clearly being undermined, namely that: -

- (1) **Prevention of Crime and Disorder** objective is undermined – according to the Lancashire Violence Reduction Network Report (LVRNR) presented by the Police as part of their representations Mode Nightclub is said to be the single highest repeat location for violent crime in Burnley between July 2021 and June 2023. There was an average of four violent offences recorded in Mode nightclub per month during the period July 2021 and June 2023 and of all single locations/premises identified for violent crime in Burnley during this time period (excluding the Police station), Mode night club ranked highest in terms of the harm committed. As a result, the estimated cost to the public sector from this premises was £1.3 million. The Sub-Committee accepted the findings of the LVRN Report and concluded that the findings in this report are indicative of the above objective being undermined.

The Sub-Committee heard and accepted the written evidence of Clare Platt, Chartered Environmental Health Practitioner, presented by Mr Ascroft at the hearing on behalf of the Director of Public Health, Lancashire County Council as a Responsible Authority in support of the Police's application for review of premises licence. It was accepted by the Sub-Committee that the Police application demonstrated that Mode is having a negative impact on the licensing objectives. As well as that it was noted between June 2021 and May 2023 there were 14 attendances at Accident and Emergency Department by individuals who had been assaulted and stated that the assault took place at Mode nightclub, Burnley. Based upon the evidence presented by the Police Application and within Ms Platt's statement the Sub-Committee felt that existing conditions agreed following previous reviews of the premises licence had not been met and agreed that any further amendment of conditions was highly likely to be an ineffective course of action.

The Sub-Committee further noted that the Police have investigated offences of violence at the premises and at least one of those cases is with the Crown Prosecution Service for a decision. However, the Police stated that there were occasions when CCTV footage was requested within 48 hours in line with licence conditions but was not provided in this time frame. The Police stated that this delay in preserving evidence affected its ability to investigate criminal incidents in a timely and effective manner thus undermining the prevention of crime and disorder objective.

Mr Walker provided written representations and gave evidence on behalf of the licensing authority in support of the Police Application. The Sub-Committee accepted the evidence of Mr Walker with regards to breaches of licence conditions and licensing objectives being undermined. The Sub-Committee noted that on a number of occasions where the Licensing Authority has visited the premises, neither the DPS Rebecca McQuoid nor the premises licence holder was present at the venue, namely on 15th July 2023, 18th February 2023 and 26th March 2023. At the visit on 15th January 2023 the Welfare Officer, a male, was working behind the bar area operating in a dual role in breach of licence conditions. Issues around staffing/supervision, staff training, monitoring of CCTV and young children gaining access to the premises appear to be prevalent at the premises and contributing to undermining licensing objectives. The Sub-Committee accepted that there is clear evidence of persistent breaches of licence conditions and a failure to comply with the Licensing Act 2003 as stated by Mr Walker.

The Sub Committee expressed concern about Rebecca McQuoid who has been involved in the premises since 2016 and having held the premises licence until her recent bankruptcy on 30 May 2023 when the licence lapsed. She is currently the DPS (person having day to day control) for the premises and given her experience in the industry she ought to know exactly what is expected from her from a regulatory perspective. The issues with Mode are long standing. Over the years there are numerous examples of a lack of compliance, however earlier this year on 25th January 2023 Mark Walker and Rebecca McQuoid met and agreed an Action Plan with regards to the premises to ensure that licensing conditions were being upheld and various timescales were agreed for compliance with a final date of 31st March 2023. It was of real concern to the Sub-Committee that it took until 4th May 2023 to produce the requested documentation and that was when Rebecca McQuoid attended an interview under caution with the Licensing Authority.

- (2) **Public Safety** is undermined due to the number of incidents reported to the Police, including serious allegations of assault/ violence and or sexual assault, drugs, underage children being at the premises, welfare officer carrying out a dual role as opposed to being always the designated welfare officer during licensable activities. CCTV footage not being provided to the police within 48 hours upon request, failure to use ID Scanner that should be used to scan customers entering the venue together with the search policy not being properly adhered to, lack of staff training records available at the premises and failure/delay to provide upon request of officers, dispersal of people not being dealt with in line with internal policy and as per Annex 3 (Conditions attached after a Hearing) to premises licence PLA0345.

Mr Walker attended the premises to conduct a licensing visit on 18th of February 2023 and spoke to a member of staff working behind the bar. The female stated she had been working at the venue behind the bar for four months. The female confirmed that in terms of training she had been shown how to pour drinks and respective measures. The female did not know anything about the "Challenge 25" policy and or what it meant or referred to. The Sub-Committee found it concerning that a member staff who is solely working behind the bar had not been trained with regards to this policy. On numerous occasions the DPS and personal licence holder were found not to be present at the venue when licensing visits took place on the 15th January 2023; 18th February 2023 and 26th March 2023 which is clearly detrimental to this objective.

- (3) **Prevention of Public Nuisance** is undermined due to breach of the dispersal policy in that people have been seen on the CCTV footage to be leaving the premises after 6.30am when it should be 06.00am in accordance with licence conditions. The Sub-Committee accepted evidence provided by the Police that criminal incidents involving high levels of alcohol gave rise to violence outside the premises and found that it was likely that drug usage was taking place in and outside the premises causing public nuisance within the vicinity.
- (4) **Protection of children from harm** – the Sub-Committee found it very alarming that there are several incidents reported involving underage children gaining entry and access to Mode nightclub. On 17th March 2023 intelligence had been received that an underage male gained entry and spent most of the night there and not challenged by staff who had been working behind the bar. It is said that on the 9th March 2023 a social worker reported that an underage child gained access to Mode. The lack of proper use of the ID scanner at all times at the premises which is supposed to be one of the key safeguards and the inadequate number of door staff on duty within smoking area/premises is likely to be a contributing factor and enabling children to gain access into the premises.

The Sub Committee noted that this review is the third review of the Mode premises licence, it was previously reviewed in 2017 and in 2020. At the last review on 21st May 2020 stringent conditions were added and agreed at Annex 3 of the premises licence PLA0345, however it appears to have made little difference as there is clear evidence of a breach of various conditions. Therefore, to add or modify conditions is not considered appropriate given the history of lack of compliance.

The Sub-Committee stated there is a persistent pattern of behaviour that shows lack of compliance, consistent disregard of rules together with the undermining of licensing objectives clearly suggests that those managing the premises are unable to do so properly and safely. The Sub-Committee noted that Rebecca McQuoid is currently subject to prosecution proceedings under section 136 (1) (a) of the Licensing Act 2003 at Burnley Magistrates Court.

Mode night club requires careful regulation and needs to consider putting in place an improved management plan/structure although it was noted that the Respondent stated they could for example hire extra door staff and another DPS in addition to Rebecca McQuoid. The Sub-Committee took the view that such measures would make little difference if any and, in their view, not adequate nor sufficient in the circumstances to address all the concerns raised by the Responsible Authorities and concluded that the current management structure was indeed weak and needed addressing from the top to the bottom to promote licensing objectives.

The Sub Committee in the absence of further evidence was unable to conclude that any allegations of potential fraud against Mr Jason McQuoid with regards to whether he sent and an e-mail or not to the Police in connection with an under 18s event and whether the Police received it or not were not found. Also, with regards to an allegation by Mr Walker that training records were potentially being falsified was not found based on the evidence presented.

The decision to revoke is appropriate, necessary, and proportionate in the circumstance for the promotion of all four licensing objectives as stated above.

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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 during the daytime or occasionally from 6pm. Hearings may in exceptional circumstances take place at any time at the discretion of the Committee or Sub-Committee appointed to hear the matter.

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 other 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 other 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, and statutory guidance and be aware of the Local Government Association Licensing Act 2003 – Councillor’s Handbook.

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, and the administration team (Legal, Democracy & Licensing Officers).

4.2 The Legal Advisor will advise the Committee or Sub-Committee during the hearing. They will retire with the Committee or Sub-Committee members for the purposes of providing legal advice if so requested, but will not make recommendations or be part of the determination process. Should any legal advice be given that was not raised during the hearing it will be repeated to the parties before a decision is announced so that any contrary arguments to be taken into account can be made.

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,

- a) whether they are represented, and if so, by whom,

- b) whether they have requested the assistance of another person, and if so the Committee or Sub-Committee will decide if the request should be approved .
- 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 of their intention to attend, be represented or not attend
 - 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 consent 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 other parties present at the hearing, the Licensing Officer will read the relevant parts of any representations received from those not in attendance, and finally the applicant.
- 7.5 As each party finishes the Committee or Sub-committee may ask questions and will invite questions to be put to each party by the other parties.
- 7.6 Thereafter each party, commencing with the Responsible Authorities, followed by any other 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 not 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 before concluding the hearing and retiring 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 Section 167 of the Act.

10. Determinations

10.1 The Committee or Sub-Committee will usually 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 Following determination, 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 or Secretary of State may give notice under section 42(6) or 42(8)
6.	Section 48(3)(a) (cancellation of interim authority notice following objection).	5 working days beginning with the day after the end of the period within which a chief officer of police or Secretary of State may give notice under section 48(2) or 48(2B)
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 objection to temporary event notice)	7 working days beginning with the day after the end of the period within which a relevant person 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 or Secretary of State may give a notice under section 120(5) or 120(7)
14.	Section 124(4)(a) (issues 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 or Secretary of State may give a notice under section 124(3) or 124(3B)
15.	Section 167(5)(a) (review of premises licence following closure order or illegal working compliance order)	10 working days beginning with the day after the day the relevant licensing authority received the notice given under section 80(9) or 84(7) of the Anti-social Behaviour Crime & Policing Act 2014 or Schedule 6 of the Immigration Act 2016

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REPORT TO LICENSING SUB-COMMITTEE



DATE	20th October 2023
PORTFOLIO	Community & Environment
REPORT AUTHOR	Lisa Tempest
TEL NO	01282 425011
EMAIL	licensing@burnley.gov.uk

Licensing Act 2003 application for a Premises Licence
Cocktails & Creams, 25-29 Hammerton Street, Burnley

PURPOSE

1. To consider an application under section 17 of the Licensing Act 2003 (The Act) received from Company A for a Premises Licence for Cocktails & Creams, 25-29 Hammerton Street, Burnley.

2. A copy of the application is attached at Appendix A.

RECOMMENDATION

3. Members are recommended to make a determination under section 18 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 licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
- To alter, omit or add conditions to such an extent as is considered appropriate for the promotion of the licensing objectives;
- To exclude any of the licensable activities to which the application relates
- To amend the times for all or some of the licensable activities;
- To refuse to specify a person in the licence as the premises supervisor
- To refuse the application

REASONS FOR RECOMMENDATION

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

SUMMARY OF KEY POINTS

5. An application for a premises licence under the Licensing Act 2003 was received by the Licensing Authority on 4th September 2023.

Full details of the application are listed in the application form and are summarised as follows:

- The sale by retail of alcohol on the premises from 10am to 12 midnight Monday to Wednesday and 10am to 3.30am Thursday to Sunday
- The provision of live music indoors from 10am to 11pm Monday to Wednesday and 10am to 2.30am Thursday to Sunday
- The provision of recorded music and dancing indoors from 10am to 12 midnight Monday to Wednesday and 10am to 3.30am Thursday to Sunday
- The provision of late-night refreshment from 11pm to 12 midnight Monday to Wednesday and 11pm to 3.30am Thursday to Sunday
- The premises opening hours to be from 10am to 12 midnight Monday to Wednesday and 10am to 3.30am Thursday to Sunday

Copies of the application were sent to all Responsible Authorities. Relevant representations were received within the prescribed period from 7 individuals and a copy of those representations are provided at Appendix B.

Relevant representations were also received within the prescribed period from the Environmental Health Officer, however, following mediation between the Environmental Health Officer and the applicant, conditions were agreed and those representations were withdrawn. A copy of those agreed conditions is provided at appendix C and they have now been incorporated into the operating schedule.

Also, during the prescribed period, conditions suggested by Lancashire Constabulary were agreed with the applicant and those conditions have been incorporated into the operating schedule. A copy of the agreed conditions is provided 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 had, at section M of the application, detailed the steps they intend to take to promote the four licensing objectives. As outlined above, this section has since been amended following mediation with the Police & Environmental Health. A copy of the revised section M, which incorporates the amended agreed conditions, is provided at Appendix E.

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:

1.6 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.

3.1.5 Operating schedules are an opportunity for the applicant to explain how the licensing objectives will be upheld at the premises. The operating schedule should be completed with careful consideration to the activities requested. The Licensing Authority recognises that licensed premises vary considerably in terms of what activities they provide, their size and location and therefore, there is no single set of measures that will be appropriate measures for inclusion on the operating schedule. Applicants should consider the particular sensitivities of people living or working in the vicinity. The application is less likely to be subject to representations where good advice has been sought and appropriate measures are incorporated into the operating schedule.

3.2.2 Representations can be received from a Responsible Authority or from any other person. Those received from Responsible Authorities will be afforded particular weight.

3.4.3 Conditions attached to the licence/certificate will avoid `gold plating`, ie restating, existing legal requirements imposed via other acts of parliament or statutory instruments.

5.1.2 The Licensing authority wants to encourage responsible businesses to operate in the Borough. The Council is keen to encourage and support a more diverse mix of venues, events and visitor attractions which will be balanced against the potential for disturbance to town centre residents and businesses.

5.6.3 The Licensing Authority considers that later hours will typically be more sensitive and higher risk in causing noise from regulated entertainment, anti-social behaviour from patrons in the vicinity of the premises, and crime and disorder from inebriated patrons. This will include late night food vendors. It therefore follows that additional measures may be required, including noise mitigation controls and an increasing number of SIA registered door supervisors may need to be employed the later the premises remains open, and these requirements may be considered as licence conditions

5.8.1 It is expected that premises licensed to sell alcohol for consumption on the premises, especially those trading beyond midnight, implement appropriate welfare measures. This may include the employment of designated welfare staff and trained first aiders, as well as steps to identify vulnerable person(s) and respond to accidents, injuries and other immediate harms such as unconsciousness, alcohol poisoning, drug intoxication, and any reported `Spiking` incidents. Safety measures could include encouraging customers to ensure their drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant. Overt CCTV is also a major deterrent for potential offenders.

5.8.2 Where spiking incidents occur inside premises or affect customers who either leave or are ejected, the necessary duty of care is exercised by the Premises Licence Holder / DPS and their staff, and that includes the immediate calling of appropriate medical aid and the notification of the police

5.8.3 A zero-tolerance policy should be implemented regarding the use of illegal drugs and new psychoactive substances (NPS), (previously referred to as 'legal highs'), and nitrous oxide (NO) on the premises. Where there is a risk of illegal drug use on the premises, the authority expects a documented policy that sets out how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of.

Licensees should remain alert to emerging issues. The authority considers that nightclubs, in particular, should address these risks, but it may also be appropriate for other licensed premises to do so. Relevant considerations could include: –

- The searching of customers and their bags etc on entry, this being a condition of entry
- A refusal/ejection policy for anyone found in possession of drugs, NPS, NO or similar intoxicants
- The use of toilet attendants / floor walkers and regular documented toilet checks –
- Searches of the premises – Training of staff in drug awareness to identify and prevent the supply and use of illegal drugs and new psychoactive substances
- Physical measures to deter drug use on the premises.
- Clear posters displayed and the overt use of CCTV, particularly in vulnerable areas.

The following extracts from the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003, issued in August 2023 are also relevant:

2.20 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and

unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.21 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.22 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.23 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.24 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.26 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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.

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 2023.

FURTHER INFORMATION

PLEASE CONTACT:

Lisa Tempest at licensing@burnley.gov.uk

ALSO:

Karen Davies at licensing@burnley.gov.uk

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Application for a premises licence to be granted 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
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
25-29 HAMMERTON ST			
Post town	BUMLEY	Postcode	BB11 1NA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 34,100

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	<input checked="" type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)
	iv other (for example a statutory corporation)		please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over		Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

--

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate) please give the name and address

Name	
Address	

--

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address		N/A			
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address

Registered number (where applicable)
Description of af association etc.)
Telephone numt
E-mail address (

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
20	10	2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE PREMISES WILL REMAIN A DRINKING HOUSE AS BEFORE, IT IS SET OUT OVER 2 FLOORS AS BEFORE WITH THE GROUND FLOOR TO BE BRIGHT AND WELCOMING, OFFERING COFFEE, COCKTAILS, BEERS AND LIGHT BITES DURING THE DAY AND MUSIC THROUGHOUT, DOWNSTAIRS CONSISTS OF THE W.C'S AND BASEMENT BAR OPEN MAINLY WEEKENDS OFFERING AN ALTERNATIVE MUSIC SCENE I.E INDIE, ROCK + OTHERS

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	

e)	live music (if ticking yes, fill in box E)	<input checked="" type="checkbox"/>
f)	recorded music (if ticking yes, fill in box F)	<input checked="" 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"/>

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	<input checked="" type="checkbox"/>
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
			N/A	Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	-----	-----	N/A
Tue	-----	-----	
Wed	-----	-----	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur	-----	-----	<u>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</u> (please read guidance note 6)
Fri	-----	-----	
Sat	-----	-----	
Sun	-----	-----	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish	N/A	Both	
Mon	-----	-----		<u>Please give further details here</u> (please read guidance note 4)	
Tue	-----	-----	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed	-----	-----		<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 6)	
Thur	-----	-----			
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon	10:00	23:00	Please give further details here (please read guidance note 4) Although it is not our intention to have live music all the time, we would like to keep our options open.		
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	10:00	02:30	N/A		
Fri	10:00	02:30	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 (please read guidance note 6)		
Sat	10:00	02:30			
Sun	10:00	02:30			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 4) There will be pre-recorded music DURING OPENING HOURS with the option to have a DJ, DRAG ARTIST, KARAOKE ECT.		
Tue	10:00	00:00			
Wed	10:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	10:00	03:30	N/A		
Fri	10:00	03:30	<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 6) N/A		
Sat	10:00	03:30			
Sun	10:00	03:30			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	↓
Day	Start	Finis h		Outdoors	
Mon	10.00	00.00		Please give further details here (please read guidance note 4) performance of dance would be customers and musical arena dancing.	
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the performance of dance (please read guidance note 5) N/A		
Thur	10.00	03.30			
Fri	10.00	03.30	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 (please read guidance note 6) N/A		
Sat	10.00	03.30			
Sun	10.00	03.30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing <p style="text-align: center;">N/A</p>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur					
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Sat					
Sun			<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 6)		

1

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon	10.00	00.00	<u>Please give further details here</u> (please read guidance note 4) COFFEE, CAKES and ALCOHOL will be served indoors and to consume in a seated area out back.	Both	/
Tue	10.00	00.00			
Wed	10.00	00.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) N/A		
Thur	10.00	03.30			
Fri	10.00	03.30	<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 6) N/A		
Sat	10.00	03.30			
Sun	10.00	03.30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption - please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10.00	00.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	03.30	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 6)		
Fri	10.00	03.30			
Sat	10.00	03.30			
Sun	10.00	03.30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of	
Address	
Postcode	
Personal	
Issuing I	

K

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 9).

Children will be off the premises for 19:00.
 All music will be child appropriate before this time. All acts will be child appropriate before this time. (i.e. four language). Bandits / Gaming machines will be in view of staff and clearly signed '18+'.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	00:00	N/A
Tue	10:00	00:00	
Wed	10:00	00:00	
Thur	10:00	03:30	<u>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</u> (please read guidance note 6)
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	10:00	03:30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) **General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

All licensing objectives will be in force at all times. All staff will be extra vigilant whenever children are on site.

- challenge 21 to be in force at all times
- CCTV to be in operation at all times.
- SIA registered doorstaff on site when required.

b) **The prevention of crime and disorder**

Whenever we are open after 00:00 we will have at least 2 SIA doorstaff.

There will be CCTV covering inside and out the premises recording and storing for a minimum of 30 days.

No glass allowed off the premises.

Stop and search to be done if required.

c) **Public safety**

Staff will enforce zero children policy at the times stated.

CCTV will be recording at all times.

When required, SIA staff will be in place.

No glasses on main street at any time.

Challenge 21 to be in place at all times.

d) **The prevention of public nuisance**

Relevant signs displayed throughout.

Challenge 21 in force at all times

SIA doorstaff on duty when required.

Last orders called 30 minutes before closing to allow for drinking up and winding down time.

e) **The protection of children from harm**

All children under Parent/Guardian supervision at all times.
 CCTV will be in operation at all times;
 DRINKS to be decanted into plastic cups.
 Children will be off the premises at or before time stated on this application.

Checklist:

Please tick to indicate agreement

<input checked="" type="checkbox"/>	I have made or enclosed payment of the fee.
<input checked="" type="checkbox"/>	I have enclosed the plan of the premises.
<input checked="" type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable.
<input checked="" type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
<input checked="" type="checkbox"/>	I understand that I must now advertise my application.
<input checked="" type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected. [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in
--------------------	---

	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	
Capacity	DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	Director

Contact name (where not applicant)	
associated with	
Post town	(
Telephone number	
If you would prefer to provide your e-mail address (optional)	

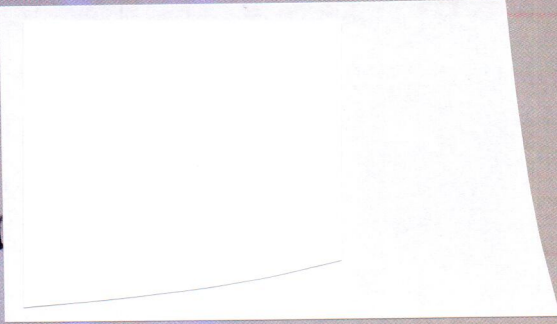
Notes for Guidance

Consent of individual to being specified as premises supervisor

I


[full name of prospective premises supervisor]

of


[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises licence
[type of application]

by


[name of applicant]

relating to a premises licence

N/A
[number of existing licence, if any]

for

COCKTAILS and CREAMZ
25-29 HAMERTON STREET
BB11 1NA

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

[name of applicant]

concerning the supply of alcohol at

25 - 29 Hammerton Street
BB 11 1NA

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

I

I

I

I

[signature, if any]

Signed

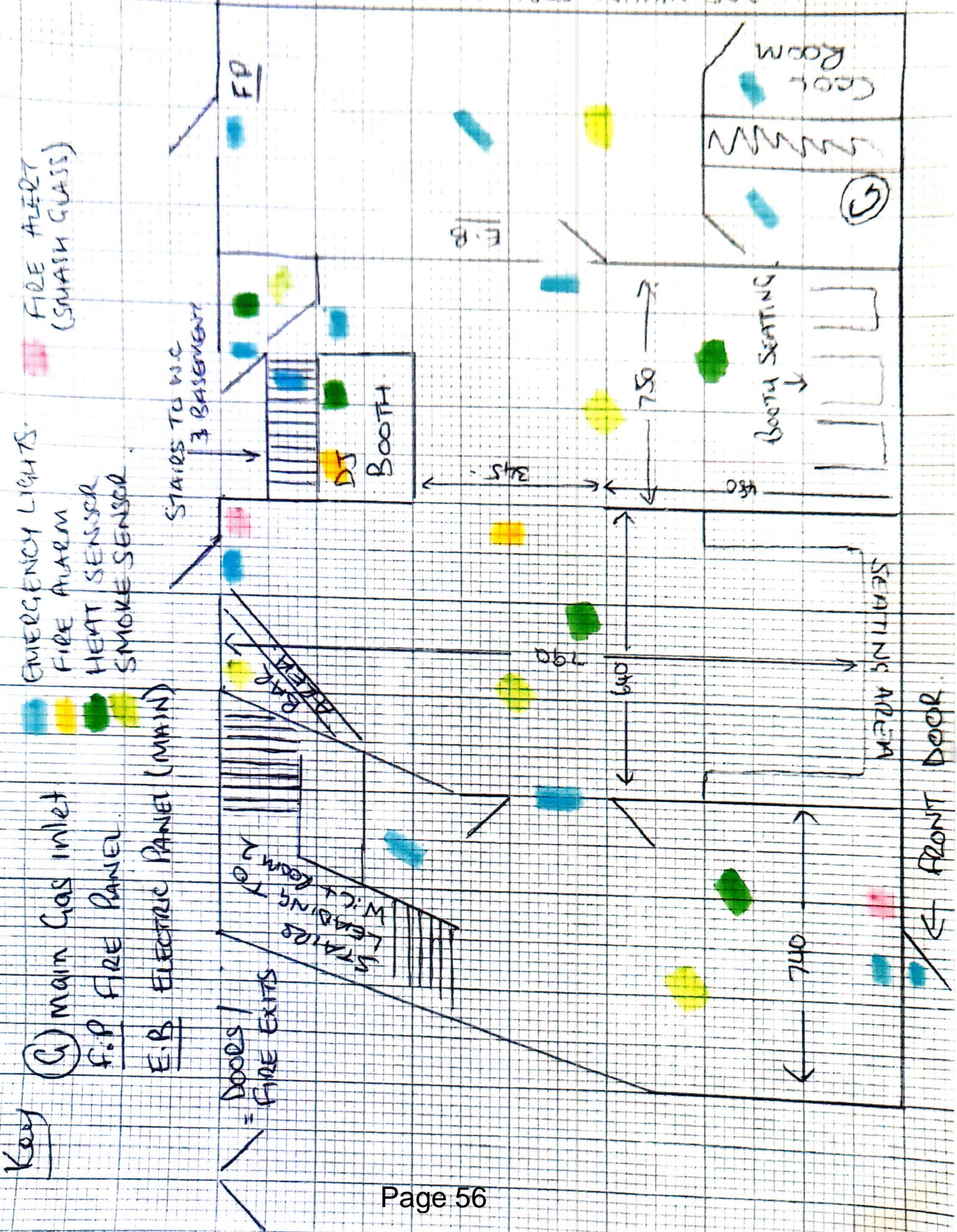
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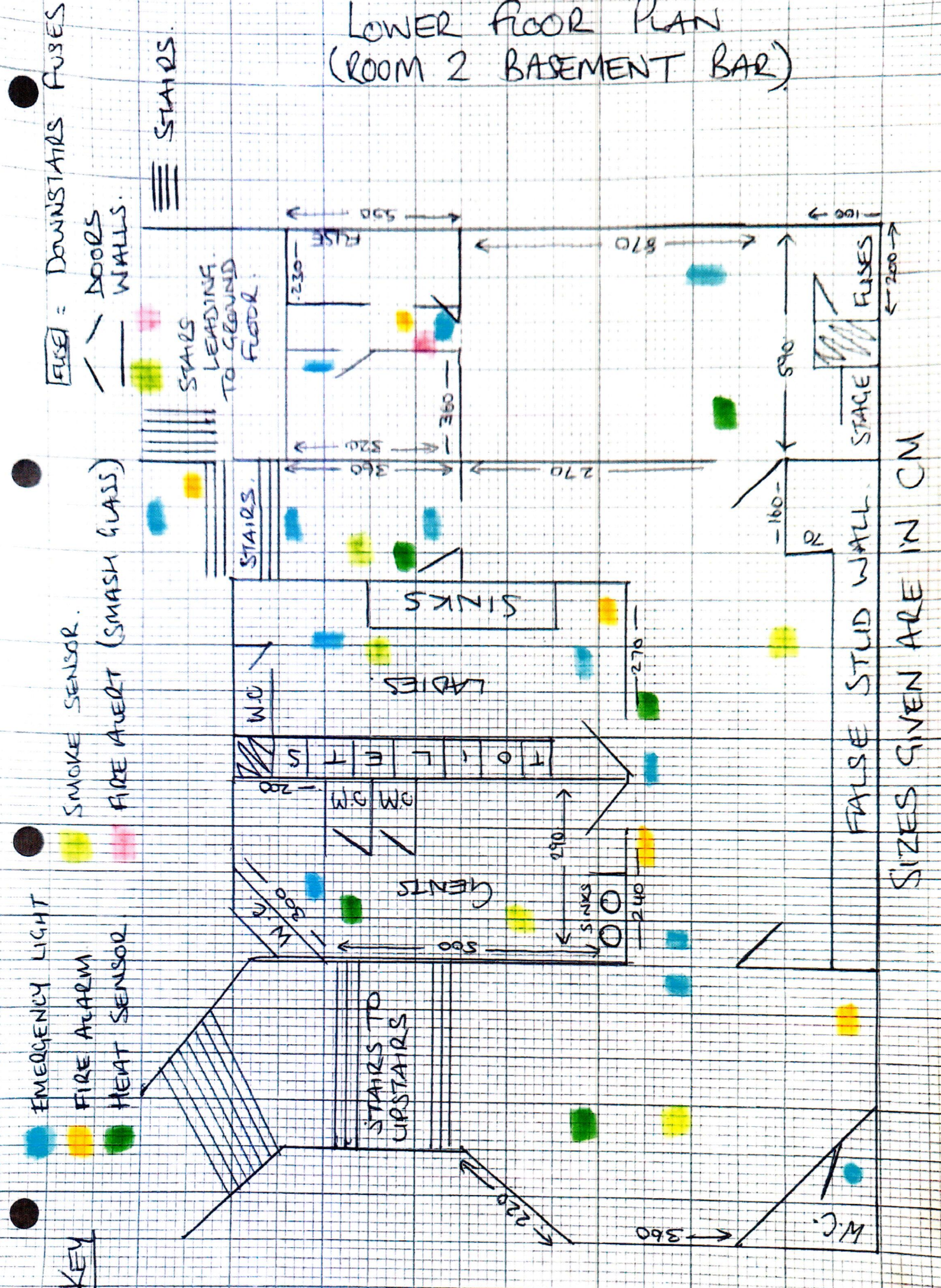
1.09.23

Ground floor Plan

(MAIN ROOM) All sizes in CM
AND APPROX. SIZES WITHIN ROOM



LOWER FLOOR PLAN (ROOM 2 BASEMENT BAR)



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Firstly, I want to know what the club is going to be called.

Secondly, we've got enough clubs on that street, and I don't want any more chewing gum on the pavement, vomit on the pavement, glass on the pavement, and an increase in any disruption pervading the environment.

This building would be within about 20 metres of the Foundry, where I live, and would increase the problems of noise to an unacceptable extent. The next nearest noise coming from Hammerton Street is from Projekt which is a good few metres further down and from Hargreaves Street which is at least protected by the buildings in between. But this would be right in the face what has the potential to be severe disruption to a sleep till 3.30 in the morning seven days a week, and to my ability to enjoy a peaceful evening in, in the height of summer, with the windows open. That there is the use of outdoor space adds to the problem.

Thirdly, and most seriously, the submission is vacuous and gives no clear indication of how safety and public nuisance (two essential requirements the applicant has to prove in order to satisfy the implementation of the 2003 Act) is going to be effective. They rely for their monitoring activity on CCTV, which is fine for picking up what happens after the event, but not preventing it in the first place.

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What I would want to see is, how is it going to soundproof the building so that any noise is kept within. The doors are closed at all times when music is playing. No music should be heard on the outdoor space etc etc.

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To whom it may concern

We are horrified to find that there is possibly going to be a further nightclub less than 25 meters from our home.

We are currently struggling with all the noise, anti social behaviour caused by the current premises. We are both XX & my XXXX is registered blind. We struggle with all the broken glass, food refuse, and sick individuals urinating & smashing glass. Throwing waste & even smashing my flower pots *after jumping over the wall.*

We do not understand why the licensing panels would even consider more as the situation is already out of control. We live in fear at night if we return late to our apartments and in the morning we are left to face all the mess created. Despite conditions being placed on other venues they are never followed Please could you recognise this is also a residential area and we need fair and reasonable treatment as other residents of Burnley.

Many thanks

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Conditions agreed between the applicant and Environmental Health Officer

A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level indicated by a Noise Impact Assessment, completed by a competent acoustician to the satisfaction of the EHO.

The rear exit and walkway, running to the rear of the Hammerton House buildings along-side the river, will remain clear of obstructions to allow for unimpeded exiting of the building in the case of a fire or other emergency, in accordance with the required fire risk assessment.

All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter. With the exception of the front door to the street which will be open in the day time and will be closed from 11pm until closing time, in order to reduce noise being emitted from the premises at night time.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

Records will be kept to demonstrate noise monitoring is being undertaken and will be available for officers to view on request.

There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

There will be no music played externally.

Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.

Staff will monitor the dispersal of customers and ensure patrons do not contribute to anti-social behaviour in the vicinity.

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**Premises Licence Conditions – Cocktails and Creamz Limited, 25-29
Hammerton Street, Burnley**

Designated Premises Supervisor:

Whenever licensable activity takes place after 22:00hrs on a Friday or Saturday evening, the Designated Premises Supervisor will be present on site or at least one member of staff on duty who holds a personal licence.

CCTV:

A comprehensive colour CCTV system shall be installed internally and externally at the premises and cover all areas where licensable activity takes place 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;
- Where such a request is made in writing, the images will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made, (unless otherwise agreed with the party requesting the images)
- Images provided will be uploaded to the requesting authorities current online portal, e.g. NICE, unless otherwise agreed with the party requesting the images. A supply of USB sticks, DVD's or alternatives shall be kept on the premises for this purpose.

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 premises 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.

Door Supervisors:

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 SIA registered door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk assessment, which will be recorded in writing and made available to an authorised officer upon request. As a minimum, whenever the premises is open to the public, there will be at least two SIA registered door supervisors utilised from 00.00 to close of business on Friday evening and a Saturday evening.

An incident register of all occurrences and ejections from the premises will be maintained at the premises and any details of public order offences will be recorded. Said register will be made available upon request to an authorised officer.

A record shall be kept on the premises by the DPS of every person employed on the premises as a door supervisor. The record shall contain the following details: name, address, date of birth and SIA licence number and signing in and out for each door supervisor. The record shall be available for inspection, on demand, by an authorised officer of the council, a police officer or the SIA.

Drug and Search Policy:

The premises will have a written zero tolerance drugs policy which is enforced at all times. This policy will include search, seizure and disposal of drugs and weapons. This will include details of the recording of seizures, secure, tamper proof storage and disposal via the Police. A copy of the policy will be provided to the Licensing Authority, and be available for inspection on demand by an authorised officers of the Council, Police or SIA.

Protection of Children:

The premises will have a written dispersal policy designed to encourage patrons to leave the venue and the area quickly and quietly. 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;
- PASS ID Cards;
- Any other form of identification agreed with a representative of the Lancashire Constabulary 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.

All children will be under the supervision of their parent/guardian at all times whilst on the premises and all children will be off the premises after 19:00hrs. All music before 19:00hrs will be child appropriate and all gambling and gaming machines will be in view of staff and clearly marked with notices prohibiting the use by persons under 18.

General:

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. No glass will be allowed off the premises at the front entrance and only permitted in the rear smoking area up until 22:00hrs.

Signs will be placed at the main public exit in a conspicuous position requesting patrons to respect the needs of residents and to leave the premises and the area quietly.

Plastic drinks containers will be used when requested by the Police, and these will be compliant with current Weights and Measures Regulations.

Bottles and glasses will not be placed into external waste receptacles between the hours of 23.00 and 08.00.

There will a clear customer dispersal policy in place. Such a policy should minimise noise disturbance and potential disorder from customers leaving the premises. A policy should clearly set out measures to control the exit at the end of the evening, including lowering the volume of music 30 minutes prior to closing and the premises will cease the selling of alcohol 30 minutes prior to the closing of the premises.

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Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Designated Premises Supervisor

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b) The prevention of crime and disorder

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e) The protection of children from harm

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