



# 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 24<sup>th</sup> 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Health Officer, the applicant had agreed to additional conditions and the Environmental Health Officer had withdrawn their representation.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 – 30<sup>th</sup> 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.

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## 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 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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