

REPORT TO LICENSING SUB-COMMITTEE



DATE	3 rd August 2023
PORTFOLIO	Community & Environment
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Licensing Act 2003 application for a Premises Licence
Queens Park, Burnley

PURPOSE

1. To consider an application under section 17 of the Licensing Act 2003 (The Act) received from Person A for a Premises Licence for Queens Park, 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 9th June 2023.

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

- To enable occasional events limited to a maximum of five one-day events per annum which involve the carrying on of the following licensable activities:

The sale by retail of alcohol on the premises from 12 noon to 10pm
Monday to Sunday

The provision of live & recorded music, performance of dance &
anything similar both indoors and outdoors from 12 noon to 10pm
Monday to Sunday

- The premises opening hours to be from 8am to 11pm Monday to Sunday

Copies of the application were sent to all Responsible Authorities. Relevant representations were received within the prescribed period from 1 individual 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. Following the representation period amended conditions were agreed between the applicant and environmental health as a responsible authority and the Environmental Health Officer subsequently withdrew their representation. The agreed amended conditions have now been incorporated into those originally set out at Section M of the application and a revised copy highlighting the changes is provided at Appendix C.

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 environmental health. A copy of the revised section M, which incorporates the amended agreed conditions, is provided at Appendix C.

This schedule is incorporated into the licence as conditions when a licence is granted. Sub-Committee can modify, i.e. alter, omit or add to these conditions following a hearing.

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

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. None

POLICY IMPLICATIONS

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

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

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

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

Each licensing objective has equal importance.

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

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

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

5.5.1 The organiser of any large scale or high risk event, wherever it is held, will be expected to involve the Council's Event Safety Advisory Group (ESAG) at the earliest opportunity in the planning stage. All event organisers will need to demonstrate how they intend to safely deliver their event in line with the licensing objectives, relevant H&S guidance and Council policy. Such events will normally be carried out under a Premises Licence.

5.5.2 The Licensing Authority wishes to encourage cultural and community events in the borough. The Council holds premises licences for some of its areas of public land and town centres which are available to host such events with the prior agreement of the Council.

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

*2.11 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.

*2.12 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.

*2.13 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.

*2.14 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

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:

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ALSO:

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