

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING SUB-COMMITTEE

Agenda Item No. 4(1)

meeting date: WEDNESDAY 8 OCTOBER 2014
 title: DOVE SYKE NURSERY, EAVES HALL LANE, WEST BRADFORD, CLITHEROE
 submitted by: HEAD OF LEGAL & DEMOCRATIC SERVICES
 principal author: LICENSING OFFICER

1 PURPOSE

1.1 To advise the sub-committee on the determination of an application required under section 35 of the Licensing Act 2003.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives]
- Corporate Priorities] The Council aims to be a well managed Council; a robust licensing process contributes to that objective.
- Other Considerations]

2 THE APPLICATION

2.1 The applicant, Mrs Joanna Creighton, has the benefit of a Premises Licence, which was originally granted on 26 March 2011. The licence currently permits the following licensable activities:

[1] The sale by retail of alcohol for consumption OFF the premises only:

- Monday to Saturday: 0900hrs to 1800hrs;
- Sunday: 1000hrs to 1600hrs.

[2] To open the premises to the public:

- Monday to Saturday: 0900hrs to 1800hrs;
- Sunday: 1000hrs to 1600hrs.

2.2 A copy of the existing licence is attached at **Appendix A**.

2.3 The applicant has now made an application to vary the Premises Licence under Section 34 of the Licensing Act 2003. A copy of the application is attached at **Appendix B**.

2.4 Details of the licensable activities currently permitted, together with the variations applied for are set out in the table attached at **Appendix C**.

2.5 The applicant at Section 16 "Licensing Objectives" (pages 7-8) describes the additional measures she intends to take to promote the four licensing objectives. These will become additional conditions of the licence if the variation is granted.

2.6 There have been four relevant representations made. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

2.7 Statutory guidance states: "A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives" and

"representations should relate to the impact of licensable activities carried on from premises on the objectives."

2.8 A copy of the representations are attached at **Appendix D** and are made on the basis that the application will undermine two of the licensing objectives, namely the prevention of public nuisance, and public safety. Reference is also made to 'The Live Music Act 2012' and details of this are set out below.

2.9 The Live Music Act 2012 amends the Licensing Act 2003 by partially deregulating the performance of live music and removing regulation about the provision of entertainment facilities. It:

- removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises;
- removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate;
- removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment);
- removes the licensing requirement for the provision of entertainment facilities; and
- widens the licensing exemption for live music integral to a performance of morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

2.10 A plan is attached at **Appendix E** showing the location of the premises.

2.11 All parties have been given notice of the hearing in accordance with Regulation 6 of The Licensing Act 2003 (Hearings) Regulations 2005.

3 THE LICENSING ACT 2003

3.1 When determining an application, the Licensing Act 2003 requires you to have regard to the representations received from Responsible Authorities and/or Other Persons (including supporting information), statutory Guidance issued under s.182 of the Act, the authority's Licensing Policy Statement and take such of the steps as you consider necessary for the promotion of the four licensing objectives i.e.

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

3.2 The steps you may take are set out at section 2 of the Licensing Hearings – Guidance for Members, together with the statutory guidance issued under section 182 Licensing Act 2003 commencing at section 8.

4. **LEGAL IMPLICATIONS ARISING FROM THE REPORT**

- 4.1 Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.
- 4.2 Members are reminded that they should have read or should hear all the facts prior to making a determination.
- 4.3 Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and Article 10 – the right to freedom of expression.

5. **WARDS AFFECTED**

- 5.1 The premises are situated within the Waddington and West Bradford Ward. Neither ward councillor is a member of this sub-committee.

6. **RISK ASSESSMENT**

- 6.1 The approval of this report may have the following implications:

- Resources – none identified.
- Technical, Environmental and Legal – the report demonstrates that there has been proper consideration of the application and the relevant guidance and representations.
- Political – none identified.
- Reputation – none identified.
- Equality & Diversity – none identified.

7. **RECOMMENDED THAT COMMITTEE**

- 7.1 Members are asked to make a determination and state the reasons for that determination.



DIANE RICE
HEAD OF LEGAL & DEMOCRATIC SERVICES



CATHERINE MOORE
LICENSING OFFICER

For further information please ask for Catherine Moore on extension 4454.

Ribble Valley Borough Council



Chief Executive: Marshal Scott CPFA
 Directors: John Heap B.Eng. C.Eng. MICE, Jane Pearson CPFA

Council Offices
 Church Walk
 Clitheroe
 BB7 2RA
 www.ribblevalley.gov.uk

Licensing Act 2003

Premises Licence

PRE(A)0357

Part 1 - Premises Details

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

Dove Syke Nursery

Eaves Hall Lane, West Bradford, Clitheroe, Lancashire, BB7 3JG.

Telephone 01200 428417

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday-Saturday	9:00am	6:00pm
	Sunday	10:00am	4:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Saturday	9:00am	6:00pm
Sunday	10:00am	4:00pm

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

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

Part 2

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

Joanna Creighton

info@dovesykecider.co.uk

Telephone [REDACTED] or 01200 428417

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





Licensing Act 2003

Premises Licence

PRE(A)0357

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

Joanna CREIGHTON

Telephone [REDACTED] or 01200 428417

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

Licence No. PER0577

Issued by Ribble Valley

ANNEXES

ANNEX 1

MANDATORY CONDITIONS - OFF LICENCE

1. Section 19 of the Act provides that where a premises licence authorises the supply of alcohol, the licence must include the following conditions:
 - (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence; or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. ~~No alcohol will~~ be sold to persons who appear to be drunk.
2. All fire, and Health & Safety procedures will be in place. The fire safety check certificate to be kept up to date, and emergency lighting and designated fire exits signposted.
3. Any sale or supply of alcohol will be for consumption off the premises only.
4. Age verification checks will be in place to ensure that no sale or supply of alcohol is made to





Licensing Act 2003

Premises Licence

PRE(A)0357

ANNEXES continued ...

persons under the age of 18 years.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None.

ANNEX 4 - PLAN OF PREMISES

Plan attached.

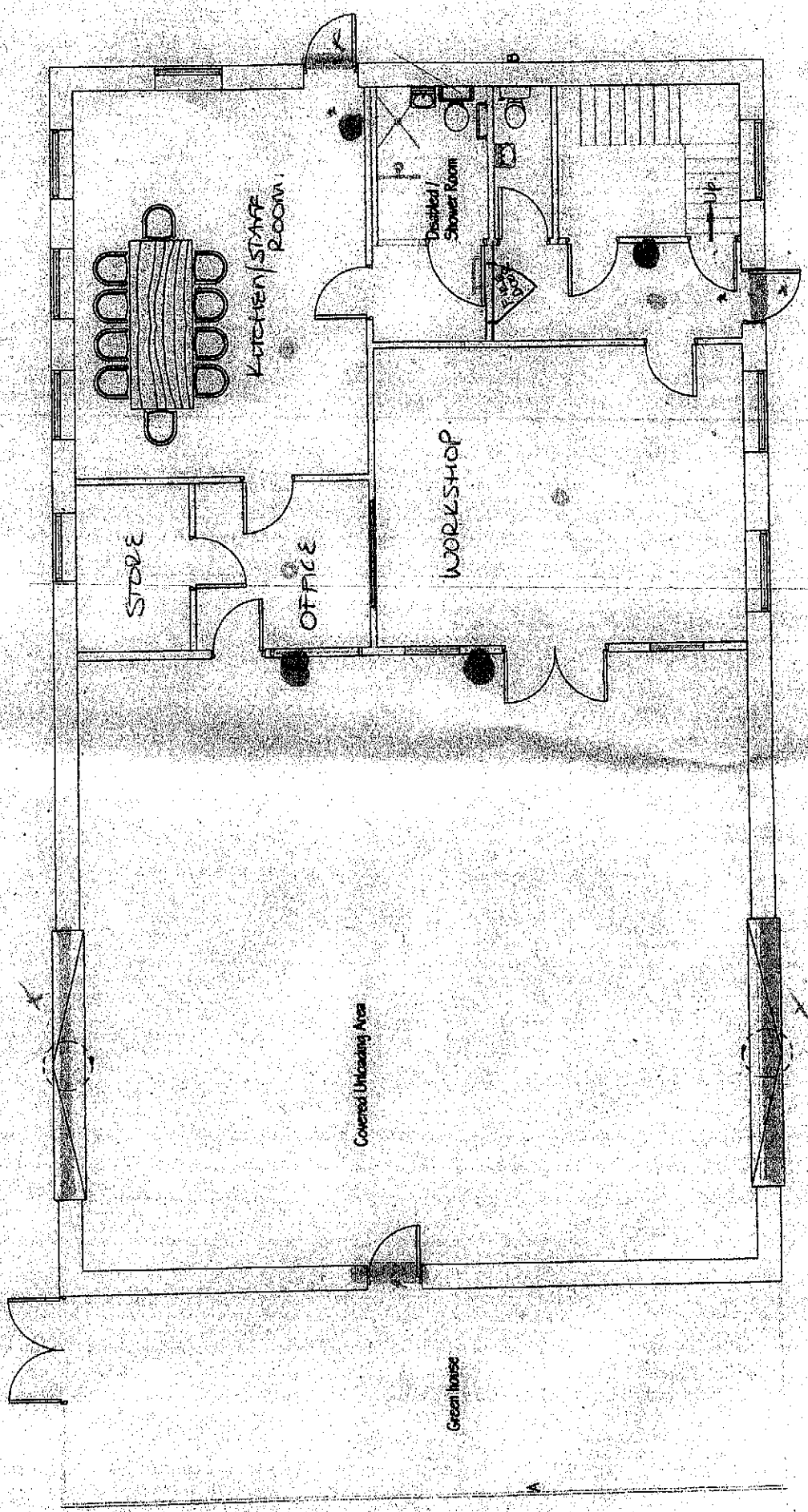
M. H. Scott

Chief Executive
Signature of Authorised Officer



FIRE EXTINGUISHERS ●
ACCESS/EGRESS DOORS ■
SMOKE ALARMS ●

Ground Floor





Licensing Act 2003

PRE(A)0357

Premises Licence Summary

Premises Details

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

Dove Syke Nursery.

Eaves Hall Lane, West Bradford, Clitheroe, Lancashire, BB7 3JG.

Telephone 01200 428417

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
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	Sunday	10:00am	4:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Saturday	9:00am	6:00pm
Sunday	10:00am	4:00pm

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

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

NAME (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Joanna Creighton

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

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Joanna CREIGHTON

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





Licensing Act 2003

Premises Licence Summary

PRE(A)0357

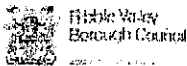
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED continued ...

None

M. H. Scott

Chief Executive
Signature of Authorised Officer





Ribble Valley
Application to vary a premises licence
Licensing Act 2003

For help contact
 catherine.moore@ribblevalley.gov.uk
 Telephone: 01200 414454

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader.
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

- * Is your business registered in the UK with Companies House? Yes No
- * Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The building at Dove Syke Nursery, 20x12metres, with lean-to on gable end, 3.5x12metres sited on 11.9 acre smallholding with Christmas tree plantation and orchards.
The intended licensable area as shown on the attached map, to include the building and the surrounding area as per original licence.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

Continued from previous page...

Standard Days And Timings

MONDAY

Start 09:00

End

Start

End 18:00

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 09:00

End

Start

End 18:00

WEDNESDAY

Start 09:00

End

Start

End 22:00

THURSDAY

Start 09:00

End

Start

End 22:00

FRIDAY

Start 09:00

End

Start

End 23:00

SATURDAY

Start 09:00

End

Start

End 23:00

SUNDAY

Start 10:00

End

Start

End 16:00

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

It is not envisaged that we will be frequently utilizing the late night license, however on occasion a small private group, association or party may be on site for a small private function such as a cider tasting evening or birthday. As the numbers attending would only be small, without obtaining a TENS and allow alcohol to be consumed after 6pm.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

WE HAVE THREE FESTIVALS PER YEAR FOR WHICH TENS HAVE BEEN APPLIED FOR AND GRANTED, WE DO NOT ENVISAGE ANY OTHER TIMES THAT THE SUPPLY OF ALCOHOL WOULD BE OUTSIDE THE HOURS LISTED ABOVE.

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 09:00

End

Start

End 18:00

TUESDAY

Start 09:00

End

Start

End 18:00

WEDNESDAY

Start 09:00

End

Start

End 22:30

THURSDAY

Start 09:00

End

Start

End 22:30

FRIDAY

Start 09:00

End

Start

End 23:30

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SATURDAY

Start 09:00

End

Start

End 23:30

SUNDAY

Start 10:00

End

Start

End 16:00

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

PRIVATE PARTIES, USE FOR GROUP MEETINGS, EDUCATIONAL VISITS, TOURISM RELATED EVENTS SUCH AS OPEN & PROMOTIONAL EVENINGS AND SPECIAL OCCASIONS.

It is not envisaged that we will be frequently utilizing the late night license, however on occasion a small group, association or party may be on site for a small private function such as a cider tasting evening or birthday. As the number attending would only be small, this will alleviate the necessity of obtaining a TENS to allow alcohol to be consumed after 6pm.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Annex 2 condition 3

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

LICENSING OBJECTIVES

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

Continued from previous page...

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

I WILL BE RESPONSIBLE AND DILIGENT REGARDING ANY SALES OF ALCOHOL ENSURING ALL THE FOUR LICENSING OBJECTIVES ARE MET AT ALL TIMES.

b) The prevention of crime and disorder

NO ALCOHOL WILL BE SOLD TO ANY PARTY CONSIDERED UNDER THE INFLUENCE OF ALCOHOL OR WITH THE INTENT TO SUPPLY ANY OTHER PARTIES CONSIDERED TO BE IN SUCH A CONDITION.

c) Public safety

DUE TO EXISTING PREMESIS ALL FIRE AND HEALTH AND SAFETY PROCEEDURES ARE IN PLACE, ELECTRICAL TESTING, FIRE EXTINGUISHER UPDATES YEARLY. EMERGENCY LIGHTING AND DESIGNATED FIRE ESCAPES CLEARLY MARKED AND SIGNPOSTED.

d) The prevention of public nuisance

DUE TO THE RURAL LOCATION, PLANNED SALES ARE MAINLY WHOLESALE DELIVERED OR COLLECTED BY OURSELVES OR CUSTOMERS DURING THE DAY. THE THREE EVENTS COVERED BY THE TENS ARE TO BE ENDED BY MIDNIGHT WITH PARTIES OFF THE PREMISES. ANY OTHER EVENING GROUPS ETC WILL BE SMALL PARTIES OR GROUPS

e) The protection of children from harm

CHECKS WILL BE MADE TO TO ENSURE SALES ARE NOT MADE TO ANYONE UNDER THE AGE OF 18 OR WITH THE INTENT TO SUPPLY A MINOR. NO SALES WILL BE MADE BY ANY STAFF TO PERSONS FELT TO BE IRRESPONSIBLE WITH THEIR ALCOHOL CONSUMPTION OR SUPPLY.

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation fees are determined by the non domestic rateable value of the premises. You can find out a non domestic rateable value of a premises via the Valuation Office Agency website at: <http://www.2010.voa.gov.uk/rli/>

There are five fee bands as follows:

Band A - None to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

* If the rateable value of a premises falls within Bands D or E and the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises, then you are required to pay a higher fee:

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time.

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Continued from previous page...

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the Standard Scale, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

JOANNA CREIGHTON

* Capacity

MANAGER/OWNER

* Date

13 / 08 / 2014

dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/ribble-valley/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

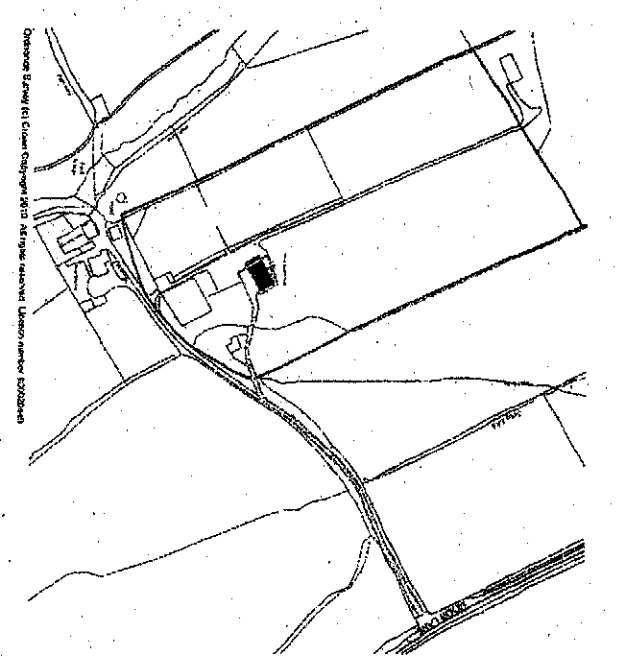
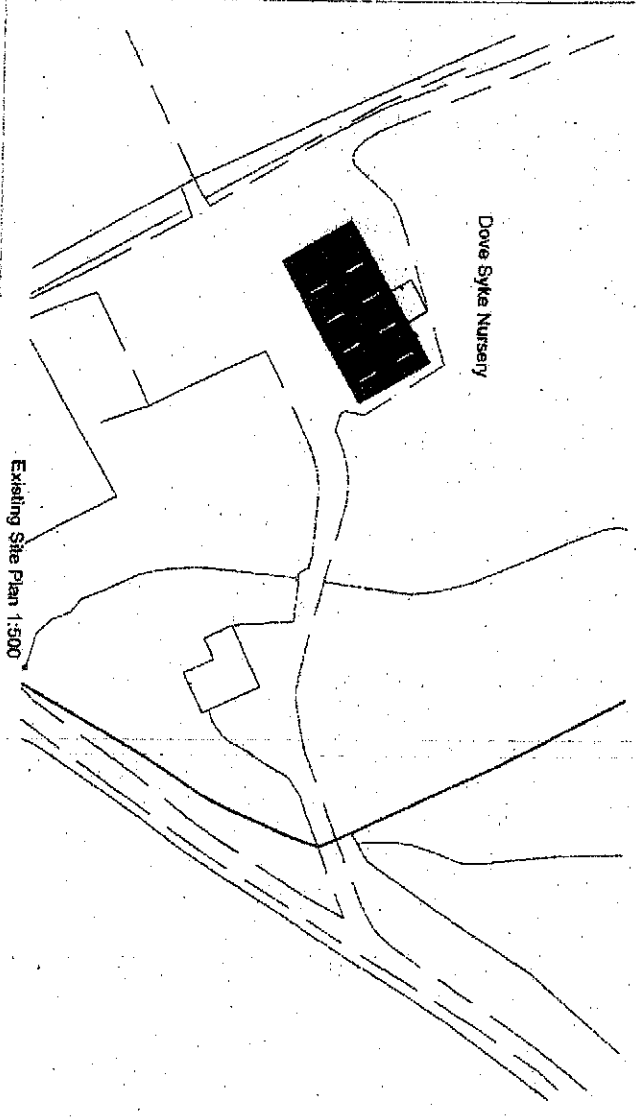
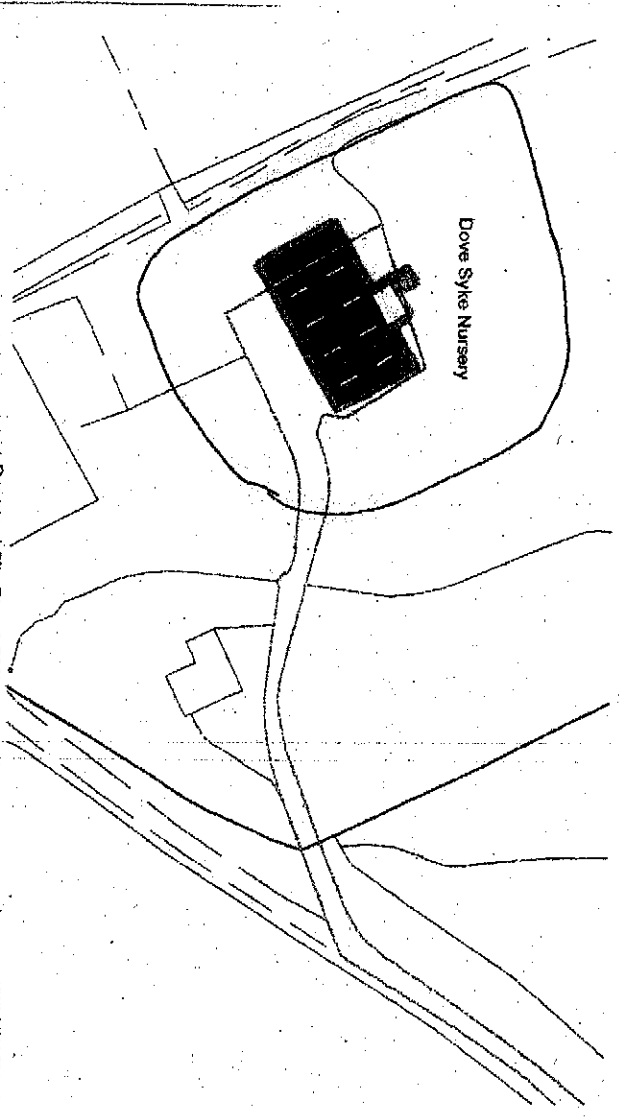
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	DoveSyke Cider variation
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Next >

Building Plan



320120870P

Notes:

- All work to be carried out in accordance with the provisions of the Building Regulations 2010.
- All work and materials must comply with health and safety legislation.
- All foundations are to be constructed in accordance with the relevant Building Regulations.
- The contractor shall ensure that the foundations are constructed in accordance with the relevant Building Regulations.
- Do not scale off the drawings without the owner's consent.

General Enquiries 9 & Crown Street Clitheroe, Lancashire, PR7 3DD Tel: 01757 422221 Fax: 01757 422222 Email: info@gem.co.uk	
Project Reference: 320120870P Dove Syke Nursery West Bradford, Clitheroe, Lancashire, PR7 3JG	
Title: Erection & Proposed Site & Access Plan	Drawing No: CSD/120120870P
Date: 14/01/2012	Scale: 1:500
Author: AJS	Date: 14/01/2012
Checked: AJS	Date: 14/01/2012
Approved:	Date:

LICENSING HEARING – 8 OCTOBER 2014
RIBBLE VALLEY BOROUGH COUNCIL
APPLICATION FOR VARIATION OF PREMISES LICENCE
MADE BY MRS JOANNA CREIGHTON
IN RESPECT OF PREMISES AT DOVE SYKE NURSERY, EAVES HALL LANE, WEST
BRADFORD, CLITHEROE BB7 3JG

	Authorised by Existing Licence	Applied for on Variation
Supply of alcohol:	OFF the premises only	ON and OFF the premises
Sun	1000hrs -1600hrs	1000hrs -1600hrs
Mon	0900hrs -1800hrs	0900hrs -1800hrs
Tues	0900hrs -1800hrs	0900hrs -1800hrs
Wed	0900hrs -1800hrs	0900hrs - 2200hrs
Thurs	0900hrs -1800hrs	0900hrs - 2200hrs
Fri	0900hrs -1800hrs	0900hrs - 2300hrs
Sat	0900hrs -1800hrs	0900hrs - 2300hrs
Bank Holidays Bank Holiday weekends (Fri/Sat/Sun) Christmas Eve Christmas Day Boxing Day New Year's Eve/Day	None	None
Opening hours of premises:		
Sun	1000hrs -1600hrs	1000hrs -1600hrs
Mon	0900hrs -1800hrs	0900hrs -1800hrs
Tues	0900hrs -1800hrs	0900hrs -1800hrs
Wed	0900hrs -1800hrs	0900hrs - 2230hrs
Thurs	0900hrs -1800hrs	0900hrs - 2230hrs
Fri	0900hrs -1800hrs	0900hrs - 2330hrs
Sat	0900hrs -1800hrs	0900hrs - 2330hrs
Bank Holidays Bank Holiday weekends (Fri/Sat/Sun) Christmas Eve Christmas Day Boxing Day New Year's Eve/Day	None	None
To remove the following condition:	Annex 2 "3. Any sale or supply of alcohol will be for consumption off the premises only."	

Catherine Moore

From: Cllr Bridget Hilton
Sent: 18 August 2014 08:22
To: Catherine Moore
Subject: RE: Dove Syke Nursery, Eaves Hall Lane, West Bradford

Catherine

This application is worrying since the near neighbours have asked the council to investigate the fact that it appears the existing conditions on the business has been breached. I would be pleased if you would liase with Diane on her investigation and get back to me .

Thank You
Bridget

-----Original Message-----

From: Catherine Moore
Sent: Fri 15/08/2014 15:20
To: Cllr Bridget Hilton; Cllr Michael Ranson
Subject: Dove Syke Nursery, Eaves Hall Lane, West Bradford

Dear Councillor

For your information, we have received a variation application from Dove Syke Nursery. This is to vary their Premises Licence to include the supply of alcohol for consumption ON and OFF the premises. (They currently just have off sales).

A copy of the notice of receipt is attached, and details of their current licence can be viewed on the public register <https://licensing.ribblevalley.gov.uk/>

Regards
Catherine

Catherine Moore | Administration & Licensing Officer |

Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA

T: 01200 414454 | F: 01200 414485 E: catherine.moore@ribblevalley.gov.uk W: www.ribblevalley.gov.uk
<<http://www.ribblevalley.gov.uk/>>

Catherine Moore

From: Michael Ranson [REDACTED]
Sent: 18 August 2014 22:11
To: Catherine Moore
Subject: Re: Dove Syke Nursery, Eaves Hall Lane, West Bradford

I would like to register my objection to this application . The licence hours should not be extended and should not include on premises sales.

The track record of this applicant regarding licencing matters should be examined carefully and unless it is immediately refused there should be a full hearing of the licencing committee.

Michael Ranson

On 15 August 2014 15:20, Catherine Moore <Catherine.Moore@ribblevalley.gov.uk> wrote:
Dear Councillor

For your information, we have received a variation application from Dove Syke Nursery. This is to vary their Premises Licence to include the supply of alcohol for consumption ON and OFF the premises. (They currently just have off sales).

A copy of the notice of receipt is attached, and details of their current licence can be viewed on the public register <https://licensing.ribblevalley.gov.uk/>

Regards
Catherine

Catherine Moore | Administration & Licensing Officer |
Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA
T: 01200 414454 | F: 01200 414485 E: catherine.moore@ribblevalley.gov.uk W: www.ribblevalley.gov.uk

26/08/14

[REDACTED]
[REDACTED]
**WEST BRADFORD
CLITHEROE
LANCASHIRE**
[REDACTED]

RECEIVED BY
CHIEF EXECUTIVE

11 SEP 2014

**MRS C MOORE
LICENSING OFFICER
COUNCIL OFFICES
RIBBLE VALLEY BOROUGH COUNCIL
CHURCH WALK
CLITHEROE
BB7 2RA**

FAO

9th SEPTEMBER 2014

Dear Mrs Moore,

Re: Variation application for a premises licence 013935 – Dove Syke Nursery.

We wish to object to the above application, relevant to the four licensing objectives, as follows:

1. Over the last 3 years the applicant has had numerous Temporary Events Licences granted to enable festivals to be held with the supply of alcohol and regulated entertainment. On the vast majority of occasions, especially on the Saturday nights, we believe that the terms of the notices have not been complied with and exceeded, resulting in the events carrying on until the early hours of the morning with associated noise disturbance to the nearby residents. On the advice of council officers, we reported this to the police on 21/7/13 and at the last event on 19/7/14 a short sound recording clip was taken as evidence. It would seem there is a casual approach to licensing matters as has been evidenced at the site over the past few years. The council has been made aware of this on numerous occasions.
2. Any variation on the current licence is likely to lead to an increase in traffic, noise, anti-social behaviour and visible light intrusion. An on site sales licence should not be permitted as this would also allow for the provision of regulated entertainment during the hours specified. The premises are located in a peaceful, rural and isolated area and the impact of light and sound is considerable relative to more urban settings.
3. Access to the site is down an unlit, unmade and narrow farm track leading from a single track road. It can be treacherous in winter, posing significant safety issues to

pedestrians and vehicles alike as the County Council does not grit the roads in the locality.

4. The premises referred to is a steel portal frame construction agricultural building, with no sound proofing whatsoever, in an isolated and rural location some 1 mile from West Bradford in the Area of Outstanding Natural Beauty. It is wholly unsuitable both in terms of construction and location as an all day and late night drinking venue.

5. The application, if successful, would breach planning conditions 3, 4 and 6 of the planning consent given under application 3/2012/0870 (copy enclosed). These conditions have been applied in an attempt to control what was, hitherto, unauthorised development and usage of the site.

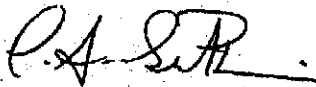
We are concerned that this site is slowly being transformed into a public house/party/festivals venue. It is clear from the above that this application is inappropriate and should be refused. However, were it not to be then strict conditions should be applied to the licence, for example:

- 1) The provisions of the Live Music Act 2012 will not apply.
- 2) The licence is restricted to off sales only.
- 3) The licence should be specific to certain times of the year only.

This site must be closely monitored in order to ensure compliance as the applicant's history with licensing and planning matters has given cause for considerable concern over the past few years.

Yours sincerely,


N.M. Goodwin


C.A. Smith

RVD Mucian
12 SEP 2014

██████████
██████████
**WEST BRADFORD
CLITHEROE
LANCASHIRE**
██████████

9th September 2014

Mrs C Moore
Licensing Officer
Council Offices
Ribble Valley Borough Council
Church Walk
Clitheroe
BB7 2RA

Dear Mrs Moore

Re: Variation application for a premises licence 013935 – Dove Syke Nursery

We wish to make objections to the above application, relevant to the four licensing objectives.

1. Over the last 3 years the applicant has had numerous Temporary Events Licences granted to enable festivals to be held with the supply of alcohol and regulated entertainment. On the vast majority of occasions, especially on the Saturday nights, we believe that the terms of the notices have not been complied with and exceeded, resulting in the events carrying on until the early hours of the morning with associated noise disturbance to the nearby residents.
2. Any variation on the current licence is likely to lead to an increase in traffic, noise, anti-social behaviour and visible light intrusion. An on-site sales licence should not be permitted as this would also allow for the provision of regulated entertainment during the hours specified. The premises are located in a peaceful, rural and isolated area and the impact of light and sound is considerable, relative to more urban settings.
3. Access to the site is down an unlit, unmade and narrow farm tract, leading from a single tract road. It can be treacherous in winter, posing significant safety issues to pedestrians and vehicles alike, as the County Council does not grit the roads in the locality.

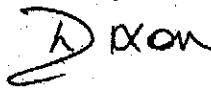
4. The premises referred to is a steel portal frame construction agricultural building, with no sound proofing whatsoever in an isolated and rural location some 1 mile from West Bradford in the Area of Outstanding Natural Beauty. It is wholly unsuitable both in terms of construction and location as an all day and late night drinking venue.
5. The application if successful, would breach planning conditions 3, 4 and 6 of the planning consent given under application 3/2012/0870 (copy enclosed). These conditions have been applied in an attempt to control what was, hitherto, unauthorised development and usage of the site.

We are concerned that this site is slowly being transformed into a public house/party/festivals venue. It is clear from the above that this application is inappropriate and should be refused. However, were it not to be then strict conditions should be applied to the licence, for example:

- The provisions of the Live Music Act 2012 will not apply.
- The licence is restricted to off sales only but to the new times specified in the application.
- The licence should be specific to certain times of the year only.

Yours sincerely


J Dixon


L Dixon

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2012/0870

DECISION DATE: 19 July 2013

DATE RECEIVED: 26/09/2012

APPLICANT:

Mr & Mrs M Creighton
Dove Syke Nursery
Eaves Hall Lane
West Bradford
Lancs
BB7 3JG

AGENT:

Gary Hoerty Associates
6 - 8 Church Street
Clitheroe
Lancs
BB7 2DG

DEVELOPMENT PROPOSED: Change of use of an agricultural building with office and staff facilities to mixed use for agricultural, office, staff facilities and cider making

AT: Dove Syke Nursery Eaves Hall Lane West Bradford Lancashire

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following **condition(s)**:

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990

2. This permission shall relate to the external appearance of the building (ie window and door numbers, sizes and positions) and to the uses of the different parts of the building as shown on submitted drawing number Cre/5731/1508/03 REVA (amended plan received by the Local Planning Authority on 1 July 2013.

REASON: For the avoidance of doubt and to ensure compliance with the submitted plans.

3. The cider produced at the site shall be for wholesale only with no retail sales from the site other than incidental sales during any authorised temporary events held at the site.

REASON: As the establishment of an A1 retail use would be inappropriate in this rural location to the detriment of the character of the area contrary to Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft

P.T.O.

4. With regards to the cider making business, any deliveries of raw materials to the site or despatch of the finished product from the site shall only take place between the hours of 9am and 6pm Monday to Saturday with no deliveries or despatch on Sundays or Bank Holidays.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The number of festivals/events held at the site shall be restricted to a maximum of 3 in any one calendar year as defined from 1 January to 31 December. Each event shall be restricted to 1 day and the opening times of those days shall be restricted to 9am to 11.30pm with all persons attending the events to be off the site by midnight.

REASON: In the interests of the amenities and character of the locality and the amenities of nearby residents in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – a Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Except for the 3 days upon which a festival/event is being held (see condition 5 above) the use of the premises by customers shall be restricted to hours between 9am and 6pm Monday to Saturday and 10am to 4pm on Sundays.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – a Local Plan for Ribble Valley Regulation 22 Submission Draft; as the use of the premises outside these hours could prove injurious to the character of the area and to the amenities of nearby residents.

P.T.O.

Relevant planning policy

Ribble Valley Districtwide Local Plan
Policy G1 - Development Control.
Policy G5 - Settlement Strategy.
Policy ENV1 - Area of Outstanding Natural Beauty.
Policy RT1 - General Recreation and Tourism Policy.
Policy RT3 - Conversion of Buildings to Tourism Related Uses.
Policy EMP9 - Conversions for Employment Uses.
Policy EMP12 - Agricultural Diversification.

Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft
Policy DMG1 - General Considerations.
Policy DMG2 - Strategic Considerations.
Policy DME2 - Landscape and Townscape Protection.
Policy DMB1 - Supporting Business Growth and the Local Economy.
Policy DMB2 - The Conversion of Barns and Other Rural Buildings for Employment Uses.
Policy DMB3 - Recreation and Tourism Development.

National Planning Policy Framework (NPPF).

SUMMARY OF REASONS FOR APPROVAL






The proposed uses of the building would support the local rural economy and would not have any seriously detrimental effects upon visual amenity, the character of the locality, the amenities of any nearby residents or highway safety.

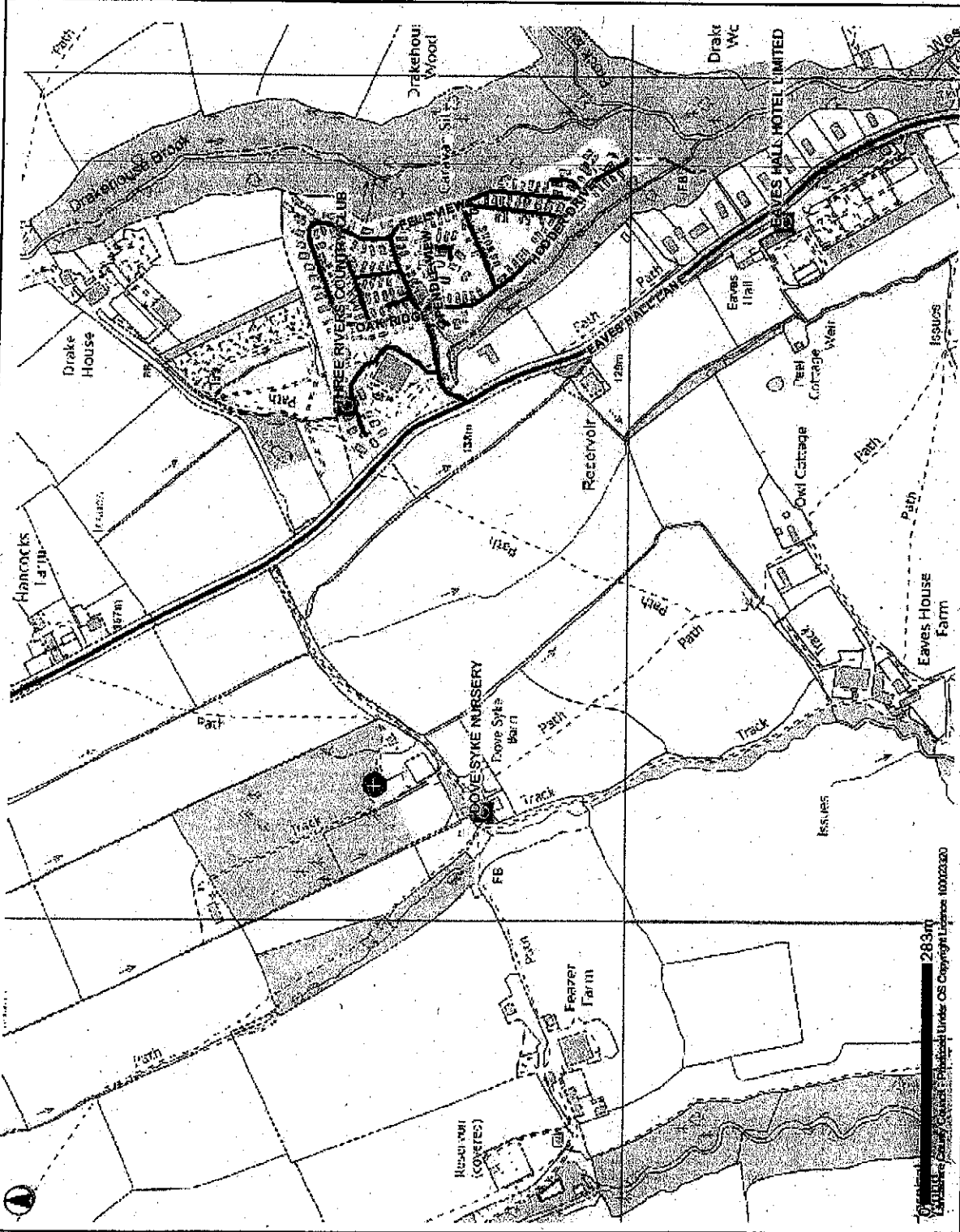
The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development .

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

-  Licensed Premises
-  Roads
-  Districts
-  Other District/Initary Authority
-  Lancashire Districts



Dove Syke Nursery

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Date: 29/09/2014



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