

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING SUB-COMMITTEE

DECISION

Agenda Item No. 4(1)

meeting date: FRIDAY 5 AUGUST 2016  
title: SOBAR, 1B KING STREET, CLITHEROE BB7 2EL  
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 Mr Jonathan Steven Crompton already has the benefit of a Premises Licence, originally granted on 13 September 2012 and transferred to Mr Crompton on 18 May 2015. The licence currently permits live music (e) recorded music (f), performance of dance (g), entertainment of a similar nature to (e), (f) and (g) and the supply of alcohol for consumption on and off the premises.

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 M "Licensing Objectives" describes the additional measures he intends to take to promote the four licensing objectives. These will become additional conditions of the licence if the variation is granted.

2.6 The current conditions at Annex 2 Nos. 9, 10 and 12 have been amended (as agreed between Environmental Health and the applicant's Solicitors) so that they reflect conditions 2, 3 and 5 of the Best Practice Guide as set out at **Appendix D**.

2.7 There have been 4 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.

2.8 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."

2.9 A copy of the representations are attached at **Appendix E** and are made on the basis that the application will undermine three of the licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance, and public safety.

2.10 A plan is attached at **Appendix F** 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 Primrose 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.



Licensing Act 2003

# Premises Licence

PRE(A)0371

## Part 1 - Premises Details

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

### Sobar

1b King Street, Clitheroe, Lancashire, BB7 2EL.

Telephone 01200 444114

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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
E. Performance of live music (Indoors)	Sunday-Thursday	10:00am	11:30pm
	Friday-Saturday	10:00am	12:30am
	Christmas Eve	10:00am	2:30am
	New Year's Eve	10:00am	2:30am
F. Playing of recorded music (Indoors)	Sunday-Thursday	10:00am	11:30pm
	Friday-Saturday	10:00am	12:30am
	Christmas Eve	10:00am	2:30am
	New Year's Eve	10:00am	2:30am
G. Performance of dance (Indoors)	Sunday-Thursday	10:00am	11:30pm
	Friday-Saturday	10:00am	12:30am
	Christmas Eve	10:00am	2:30am
	New Year's Eve	10:00am	2:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday-Thursday	10:00am	11:30pm
	Friday-Saturday	10:00am	12:30am
	Christmas Eve	10:00am	2:30am
	New Year's Eve	10:00am	2:30am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday-Thursday	10:00am	11:30pm
	Friday-Saturday	10:00am	12:30am





Licensing Act 2003

## Premises Licence

PRE(A)0371

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises continued ...			
	Christmas Eve	10:00am	2:30am
	New Year's Eve	10:00am	2:30am

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday-Thursday	10:00am	Midnight
Friday-Saturday	10:00am	1:00am
Christmas Eve	10:00am	3:00am
New Year's Eve	10:00am	3:00am

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

- J. Supply of alcohol for consumption ON and OFF the premises

## Part 2

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

Jonathan Steven Crompton

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

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

Jonathan Steven CROMPTON

### 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. PL13427

Issued by Blackburn with Darwen

### ANNEXES

#### ANNEX 1

#### MANDATORY LICENSING CONDITIONS

1. Section 19 of the Act provides that where a premises licence authorises the supply of alcohol, the licence must include the following conditions:





Licensing Act 2003

## Premises Licence

PRE(A)0371

### ANNEXES continued ...

- (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. Section 19A of the Act provides that where a premises licence authorises the supply of alcohol for consumption on the premises, the licence must include the following conditions:

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;





Licensing Act 2003

## Premises Licence

PRE(A)0371

### ANNEXES continued ...

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that (other than where that other person is unable to drink without assistance by reason of a disability).
- 3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) 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 either -
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 5. The responsible person must ensure that:
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
    - (iii) still wine in a glass: 125ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 6.
  - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  - (2) For the purposes of the condition set out in paragraph (1) -





Licensing Act 2003

## Premises Licence

PRE(A)0371

### ANNEXES continued ...

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of Value Added Tax chargeable in relation to the alcohol as if the Value Added Tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the Designated Premises Supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "Value Added Tax" means Value Added Tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or Value Added Tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies or alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE







Licensing Act 2003

## Premises Licence

PRE(A)0371

### ANNEXES continued ...

1. Whenever the DPS is not at the premises another person shall be nominated by them to be the responsible person to manage the premises.
2. The premises will be alarmed throughout.
3. The premises will have comprehensive CCTV coverage throughout. The system to record and the data to be kept for a minimum of 31 days. Downloads will be made available to the responsible authorities upon request.
4. The DPS shall be an active member of Pubwatch for the area (if one exists in the area). Either the DPS or person nominated by them shall regularly attend the meetings and support the scheme.
5. The licence holder will be aware of their responsibilities under the Regulatory Reform (Fire Safety Order) Act 2005.
6. The fire equipment will be checked annually.
7. All staff to be aware of the location of the fire fighting equipment and how to use it.
8. No customers will be able to take away from the premises alcohol in open containers. All off sales of alcohol will be sold in sealed containers.
9. Customers will be reminded to leave the premises quietly by announcements from the DJ during an entertainment event, and generally by the door supervisors and members of staff as they are leaving.
10. Signs will be displayed near the entrance/exits to the premises asking customers to respect the neighbours.
11. All external doors and windows will be kept closed when regulated entertainment is being provided, except in the event of an emergency.
12. At regular intervals the DPS or responsible person shall ensure the level of noise emitting from the premises shall be kept to a minimum and not affecting the neighbours. The outside area will be monitored and appropriate action taken to ensure that customers do not disturb the neighbours. A log book will be kept detailing the time/date and person making the checks, and the result and any remedial action taken if needed. The log book will be made available for inspection to the Responsible Authorities upon request.
13. Where a complaint is made to the authorities, upon receipt of this complaint at the premises, a log will be made detailing the complaint and will be kept for a three month period following the complaint.





Licensing Act 2003

## Premises Licence

PRE(A)0371

### ANNEXES continued ...

14. Outside refuse i.e. bottle sorting/disposal, shall not take place between 10.00pm and 8.00am.
15. The yard area will be closed by 10:30pm.
16. The balcony area will be closed by 10.00pm.
17. The balcony doors will be self-closing.
18. Any person who looks or appears to be under the age of 21 shall be asked to provide ID to prove that they are over the age of 18.
19. Only the UK photo driving licence, passport or government approved PASS cards will be accepted as proof of age.

### 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





Licensing Act 2003

PRE(A)0371

## Premises Licence Summary

### Premises Details

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

#### Sobar

1b King Street, Clitheroe, Lancashire, BB7 2EL.

Telephone 01200 444114

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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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	New Year's Eve	10:00am	2:30am
F. Playing of recorded music (Indoors)	Sunday-Thursday	10:00am	11:30pm
	Friday-Saturday	10:00am	12:30am
	Christmas Eve	10:00am	2:30am
	New Year's Eve	10:00am	2:30am
G. Performance of dance (Indoors)	Sunday-Thursday	10:00am	11:30pm
	Friday-Saturday	10:00am	12:30am
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	New Year's Eve	10:00am	2:30am
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	Christmas Eve	10:00am	2:30am
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J. Supply of alcohol for consumption ON and OFF the premises	Sunday-Thursday	10:00am	11:30pm
	Friday-Saturday	10:00am	12:30am





Licensing Act 2003

PRE(A)0371

## Premises Licence Summary

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES *continued ...*

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises <i>continued ...</i>			
	Christmas Eve	10:00am	2:30am
	New Year's Eve	10:00am	2:30am

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday-Thursday	10:00am	Midnight
Friday-Saturday	10:00am	1:00am
Christmas Eve	10:00am	3:00am
New Year's Eve	10:00am	3:00am

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

- J. Supply of alcohol for consumption ON and OFF the premises

### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Jonathan Steven Crompton  
[Redacted Address]

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

[Redacted]

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

Jonathan Steven CROMPTON

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

None.

*M. H. Scott*

Chief Executive  
Signature of Authorised Officer





## Application to vary a premises licence under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Jonathan Steven Crompton

*(Insert name(s) of applicant)*

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

**Premises licence number**

PRE(A)0371

## Part 1 – Premises Details

**Postal address of premises or, if none, ordnance survey map reference or description**

SoBar  
1b King Street  
Clitheroe  
Lancashire

**Post town**

Clitheroe

**Postcode**

BB7 2EL

**Telephone number at premises (if any)**

01200 444114

**Non-domestic rateable value of premises**

£16,250

## Part 2 – Applicant details

**Daytime contact telephone number**

██████████

**E-mail address (optional)**

**Current postal address if different from premises address**

██████████

██████████

██████████

**Post town**

██████████

**Postcode**

██████████

**Part 3 - Variation**

Please tick as appropriate

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

Yes

No

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

DD		MM		YYYY			
┆	┆	┆	┆	┆	┆	┆	┆

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

To extend the permitted hours for licensable activities; to add Late Night Refreshment to the Permitted Activities; and, to remove conditions on the Premises Licence and replace them with alternative, more appropriate conditions.

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

## Part 4 Operating Schedule

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

### Provision of regulated entertainment

Please 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)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**



A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
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 5)
Fri			
Sat			
Sun			

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Thur					
Fri					
Sat			<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 (please read guidance note 5)</u>		
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon	10:00	00:30			
Tue	10:00	00:30	<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Wed	10:00	00:30			
Thur	10:00	00:30	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri	10:00	01:30			
Sat	10:00	01:30	From the start of permitted hours to 02:30 the following day on Christmas Eve; New Year's Eve; and the Thursdays, Fridays, Saturdays and Sundays of Bank Holiday Weekends.		
Sun	10:00	00:30			

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon	10:00	00:30			
Tue	10:00	00:30			
Wed	10:00	00:30	<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Thur	10:00	00:30			
Fri	10:00	01:30	<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 (please read guidance note 5)</u>		
Sat	10:00	01:30			
Sun	10:00	00:30			
			From the start of permitted hours to 02:30 the following day on Christmas Eve; New Year's Eve; and the Thursdays, Fridays, Saturdays and Sundays of Bank Holiday Weekends.		

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:30	<u>Please give further details here</u> (please read guidance note 3)		
Tue	10:00	00:30			
Wed	10:00	00:30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	10:00	00:30			
Fri	10:00	01:30	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10:00	01:30	From the start of permitted hours to 02:30 the following day on Christmas Eve; New Year's Eve; and the Thursdays, Fridays, Saturdays and Sundays of Bank Holiday Weekends.		
Sun	10:00	00:30			

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	00:30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	00:30	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed	10:00	00:30			
Thur	10:00	00:30	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri	10:00	01:30			
Sat	10:00	01:30	<b><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></b> (please read guidance note 5)		
Sun	10:00	00:30	From the start of permitted hours to 02:30 the following day on Christmas Eve; New Year's Eve; and the Thursdays, Fridays, Saturdays and Sundays of Bank Holiday Weekends.		



<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:30	<b>Please give further details here</b> (please read guidance note 3)		
Tue	23:00	00:30			
Wed	23:00	00:30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	00:30			
Fri	23:00	01:30	<b>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</b> (please read guidance note 5)		
Sat	23:00	01:30			
Sun	23:00	00:30	From the start of permitted hours to 02:30 the following day on Christmas Eve; New Year's Eve; and the Thursdays, Fridays, Saturdays and Sundays of Bank Holiday Weekends.		

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Both	<input checked="" type="checkbox"/>
Mon	10:00	00:30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue	10:00	00:30			
Wed	10:00	00:30	<b>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</b> (please read guidance note 5)		
Thur	10:00	00:30			
Fri	10:00	01:30	From the start of permitted hours to 02:30 the following day on Christmas Eve; New Year's Eve; and the Thursdays, Fridays, Saturdays and Sundays of Bank Holiday Weekends.		
Sat	10:00	01:30			
Sun	10:00	00:30			

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 8).**

None currently anticipated.

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	01:00	<p><b><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></b> (please read guidance note 5)</p> <p>From the start of permitted hours to 03:00 the following day on Christmas Eve; New Year's Eve; and the Thursdays, Fridays, Saturdays and Sundays of Bank Holiday Weekends.</p>
Tue	10:00	01:00	
Wed	10:00	01:00	
Thur	10:00	01:00	
Fri	10:00	02:00	
Sat	10:00	02:00	
Sun	10:00	01:00	

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

The premises will have comprehensive CCTV coverage throughout. The system to record and the data to be kept for a minimum of 31 days. Downloads will be made available to the responsible authorities upon request.

The licence holder will be aware of their responsibilities under the Regulatory Reform (Fire Safety Order) Act 2005.

The fire equipment will be checked annually.

All staff to be aware of the location of the fire fighting equipment and how to use it.

All external doors and windows will be kept closed when regulated entertainment is being provided, except in the event of an emergency.

The yard area will be closed by 10:30pm.

The balcony area will be closed by 10.00pm.

The balcony doors will be self-closing.

Any person who looks or appears to be under the age of 21 shall be asked to provide ID to prove that they are over the age of 18.

Only the UK photo driving licence, passport or government approved PASS cards will be accepted as proof of age.

## **M**

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

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

All staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives upon commencement of their employment so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Said training will be documented and will be made available to an authorised officer upon request.

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

CCTV will be installed internally and externally at the premises and will comply with the following criteria:

- (i) The CCTV will be in operation at all times that the premises is open to the public;
- (ii) The correct time and date will appear on any recording;
- (iii) Recordings will be retained for a period of no less than 31 days; and,
- (iv) As a minimum, a head and shoulders image will be captured of individuals who enter the premises through the main public entrance.

Images from the CCTV will be made available to authorised officers upon request, so long as said requests are compliant with principles of the Data Protection Act or any alternative or subsequent legislation.

Prior to any occasion that licensable activities are carried on at the premises, a risk assessment will be carried out to determine whether or not door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk assessment.

### **c) Public safety**

As per existing Premises Licence.

### **d) The prevention of public nuisance**

All windows and all doors between internal and external areas will remain closed whenever regulated entertainment takes place, except in the event of an emergency and for the purposes of access and egress.

External areas will not be used for the consumption of alcohol beyond 22:30.

All doors between internal and external areas will be fitted with self-closing mechanisms.

Whenever door supervisors are utilised, a minimum of one door supervisor will be tasked with the specific responsibility of monitoring the external areas.

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

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. Said training will be documented and will be made available to an authorised officer upon request.

Checklist:

Please tick to indicate agreement

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

**IT IS AN OFFENCE, 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.**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Napthens
Date	15/6/16
Capacity	Solicitors and Agents

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

Malcolm Ireland  
 Napthens LLP  
 Greenbank Court  
 Challenge Way  
 Greenbank Business Park

<b>Post town</b>	Blackburn	<b>Post code</b>	BB1 5QB
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<b>Telephone number (if any)</b>	01254 686211
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**If you would prefer us to correspond with you by e-mail, your e-mail address (optional)**

Malcolm.Ireland@napthens.co.uk

## Notes for Guidance

**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.**

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

**LICENSING HEARING – 5 AUGUST 2016**  
**RIBBLE VALLEY BOROUGH COUNCIL**  
**APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**MADE BY MR JONATHAN STEVEN CROMPTON**  
**IN RESPECT OF THE SOBAR, 1B KING STREET, CLITHEROE BB7 2EL**

Activity	Authorised by Existing Licence	Applied for on Variation
<b>E. Live Music (Indoors)</b>		
Sun	1000hrs - 2330hrs	1000hrs - 0030hrs
Mon	1000hrs - 2330hrs	1000hrs - 0030hrs
Tues	1000hrs - 2330hrs	1000hrs - 0030hrs
Wed	1000hrs - 2330hrs	1000hrs - 0030hrs
Thurs	1000hrs - 2330hrs	1000hrs - 0030hrs
Fri	1000hrs - 0030hrs	1000hrs - 0130hrs
Sat	1000hrs - 0030hrs	1000hrs - 0130hrs
Thurs/Fri/Sat/Sun BH w/ends	-	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs	1000hrs - 0230hrs
New Year's Eve	1000hrs - 0230hrs	1000hrs - 0230hrs
<b>F. Recorded Music (Indoors)</b>		
Sun	1000hrs -2330hrs	1000hrs - 0030hrs
Mon	1000hrs -2330hrs	1000hrs - 0030hrs
Tues	1000hrs -2330hrs	1000hrs - 0030hrs
Wed	1000hrs -2330hrs	1000hrs - 0030hrs
Thurs	1000hrs -2330hrs	1000hrs - 0030hrs
Fri	1000hrs - 0030hrs	1000hrs - 0130hrs
Sat	1000hrs - 0030hrs	1000hrs - 0130hrs
Thurs/Fri/Sat/Sun BH w/ends	-	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs	1000hrs - 0230hrs
New Year's Eve	1000hrs - 0230hrs	1000hrs - 0230hrs
<b>G. Performance of Dance (Indoors)</b>		
Sun	1000hrs -2330hrs	1000hrs - 0030hrs
Mon	1000hrs -2330hrs	1000hrs - 0030hrs
Tues	1000hrs -2330hrs	1000hrs - 0030hrs
Wed	1000hrs -2330hrs	1000hrs - 0030hrs



## Appendix C

Activity	Authorised by Existing Licence	Applied for on Variation
<b>G. Performance of Dance (Indoors) cont...</b>		
Thurs	1000hrs -2330hrs	1000hrs - 0030hrs
Fri	1000hrs - 0030hrs	1000hrs - 0130hrs
Sat	1000hrs - 0030hrs	1000hrs - 0130hrs
Thurs/Fri/Sat/Sun BH w/ends	-	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs	1000hrs - 0230hrs
New Year's Eve	1000hrs - 0230hrs	1000hrs - 0230hrs
<b>H. Entertainment of a similar description to that falling within E, F or G (Indoors)</b>		
Sun	1000hrs -2330hrs	1000hrs - 0030hrs
Mon	1000hrs -2330hrs	1000hrs - 0030hrs
Tues	1000hrs -2330hrs	1000hrs - 0030hrs
Wed	1000hrs -2330hrs	1000hrs - 0030hrs
Thurs	1000hrs -2330hrs	1000hrs - 0030hrs
Fri	1000hrs - 0030hrs	1000hrs - 0130hrs
Sat	1000hrs - 0030hrs	1000hrs - 0130hrs
Thurs/Fri/Sat/Sun BH w/ends	-	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs	1000hrs - 0230hrs
New Year's Eve	1000hrs - 0230hrs	1000hrs - 0230hrs
<b>I. Late Night Refreshment</b>		
Sun	-	2300hrs - 0030hrs
Mon	-	2300hrs - 0030hrs
Tues	-	2300hrs - 0030hrs
Wed	-	2300hrs - 0030hrs
Thurs	-	2300hrs - 0030hrs
Fri	-	2300hrs - 0130hrs
Sat	-	2300hrs - 0130hrs
Thurs/Fri/Sat/Sun BH w/ends	-	2300hrs - 0230hrs
24 December	-	2300hrs - 0230hrs
New Year's Eve	-	2300hrs - 0230hrs
<b>J. Supply of alcohol</b>		
	ON and OFF the premises	ON and OFF the premises
Sun	1000hrs -2330hrs	1000hrs - 0030hrs

## Appendix C

Activity	Authorised by Existing Licence	Applied for on Variation
<b>J. Supply of alcohol cont...</b>	<b>ON and OFF the premises</b>	<b>ON and OFF the premises</b>
Mon	1000hrs -2330hrs	<b>1000hrs - 0030 hrs</b>
Tues	1000hrs -2330hrs	<b>1000hrs - 0030 hrs</b>
Wed	1000hrs -2330hrs	<b>1000hrs - 0030 hrs</b>
Thurs	1000hrs -2330hrs	<b>1000hrs - 0030 hrs</b>
Fri	1000hrs - 0030hrs	<b>1000hrs - 0130hrs</b>
Sat	1000hrs - 0030hrs	<b>1000hrs - 0130hrs</b>
Thurs/Fri/Sat/Sun BH w/ends	-	<b>1000hrs - 0230hrs</b>
24 December	1000hrs - 0230hrs	<b>1000hrs - 0230hrs</b>
New Year's Eve	1000hrs - 0230hrs	<b>1000hrs - 0230hrs</b>
<b>Opening hours of premises</b>		
Sun	1000hrs - Midnight	<b>1000hrs - 0100hrs</b>
Mon	1000hrs - Midnight	<b>1000hrs - 0100hrs</b>
Tues	1000hrs - Midnight	<b>1000hrs - 0100hrs</b>
Wed	1000hrs - Midnight	<b>1000hrs - 0100hrs</b>
Thurs	1000hrs - Midnight	<b>1000hrs - 0100hrs</b>
Fri	1000hrs - 0100hrs	<b>1000hrs - 0200hrs</b>
Sat	1000hrs - 0100hrs	<b>1000hrs - 0200hrs</b>
Thurs/Fri/Sat/Sun BH w/ends	-	<b>1000hrs - 0300hrs</b>
24 December	1000hrs - 0300hrs	<b>1000hrs - 0300hrs</b>
New Year's Eve	1000hrs - 0300hrs	<b>1000hrs - 0300hrs</b>
To remove following conditions:	<p><b>Annex 2</b></p> <p>3. The premises will have comprehensive CCTV coverage throughout. The system to record and the data to be kept for a minimum of 31 days. Downloads will be made available to the responsible authorities upon request.</p> <p>5. The licence holder will be aware of their responsibilities under the Regulatory Reform (Fire Safety Order) Act 2005.</p> <p>6. The fire equipment will be checked annually.</p> <p>7. All staff to be aware of the location of the fire fighting equipment and how to use it.</p> <p>11. All external doors and windows will be kept closed when regulated entertainment is being provided, except in the event of an emergency.</p>	

## Appendix C

<p>To remove following conditions cont...</p>	<ol style="list-style-type: none"><li>15. The yard area will be closed by 10:30pm.</li><li>16. The balcony area will be closed by 10.00pm.</li><li>17. The balcony doors will be self-closing.</li><li>18. Any person who looks or appears to be under the age of 21 shall be asked to provide ID to prove that they are over the age of 18.</li><li>19. Only the UK photo driving licence, passport or government approved PASS cards will be accepted as proof of age.</li></ol>
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### Conditions 2, 3 and 5 of the Ribble Valley Borough Council Best Practice Guide:

2. The licence holder or his representative shall on every occasion the premises are used for regulated entertainment check external noise levels at regular intervals to ensure that sound levels are reasonable and not affecting noise sensitive premises. Appropriate steps should be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. Where a complaint is made either to the Management or via the Local Authority, a written record shall be made of those noise assessments in a log book for a period of three months following the complaint. The details recorded shall include the time and date of the checks, the person making them and the results, including any remedial action. This written log shall be available for inspection by the Local Authority.
3. There shall be visible and clear notices requiring customers to leave the premises and the area quietly, placed at all exits.
5. Customers should be reminded to leave quietly by regular announcements from the DJ during entertainment events and by door supervisors or members of staff as they are leaving the premises.

Justin Smalley  
The Chocolate Box  
3A King Street  
Clitheroe  
BB7 2EL

02/07/2016

**RE: Sobar, 1b King Street, Clitheroe, BB7 2EL**

Dear Sir or Madam,

I am writing to raise my concerns regarding the above application and would like to make the following points. I have traded from my business since January 2011 and throughout this period have on many occasions had to clean my front step and surrounding area following the previous night's activities. This has been in the form of empty pint glasses and bottles left on my door step, vomit, urine, rubbish and discarded cigarette butts. I appreciate that this will not always have been caused by patrons of Sobar but, due to its close proximity to my business, it is inevitable that people will congregate in my doorway. I fear that if the application to extend Sobar's opening hours and supply of alcohol is approved, people will be able to get even more heavily intoxicated and that this will only make my situation worse. I also fear that the application to add the provision of late night refreshments up until such a late hour will increase the likelihood of people vomiting outside of my business as they will have had much more to drink by this time. Another concern that I have is that the extension could also result in the likelihood of damage occurring to my premises.

I hope that you will consider my points when making your decision .

Yours sincerely,

*J. Smalley*

Justin Smalley  
Proprietor

PLANNING	
05 JUL 2016	
FC 111	ATTENTION OF

RECEIVED  
CHIEF OFFICER

5 JUL 2016

FACE

RECEIVED BY  
CHIEF EXECUTIVE

- 7 JUL 2016

6. 7. 16

FAO

Tel: [REDACTED]

Dear Sir / Madam,

Variation of Premises Licence  
SOBAR, 1B King St. Clitheroe  
Lancashire BB7 2EL

I wish to make representation to the above application on the following grounds:

1/ Unacceptable noise levels - music & people noise coming from the premises + the balcony. No matter how warm it is I have to keep my windows closed to keep the noise down.

2/ Every weekend there are glasses, some empty some not left on the street.

People, male and female, urinating on the street is common practice. On numerous occasions I have had to sweep up broken glass and even clear vomit from outside my door.

3/ I feel it is an infringement of my Civil Liberties to have to put up with the noise, foul language and disturbance that Sober brings at present a variation

to the present licence is not acceptable  
to me.

I do not see that Sobar has  
any value to C. Pitkin in any way

Yours faithfully

Catherine Roberts.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6<sup>th</sup> July 2016

The Administrative and Licensing Officer,  
Ribble Valley Borough Council,  
Council Offices,  
Church Walk,  
Clitheroe,  
Lancashire.  
BB7 2RA

Dear Sir or Madam,

Application for Variation of Licence at the Sobar, 1(B), King Street, Clitheroe

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One has to question why the powers that be, allowed these premises to open as a bar in this location. The procedure was largely conducted very speedily and under wraps. The availability of a grant for only a certain length of time, was eventually given as the reason as regards the swiftness – who really knows ?

Initially promoted to become a high-Class wine-bar, the goalposts were then moved so often, that it has turned out to be anything but.

In a letter to The Clitheroe Advertiser and Times, published on 13<sup>th</sup> October 2005, I wrote – ‘perhaps when the goalposts have stopped moving, the situation will be rendered more assessable and the appropriate regulations and conditions imposed. For the future, all I ask is that the intentions are fully, openly and honestly stated and that any conditions are responsibly imposed and stringently enforced.’

The present licensing hours and conditions were determined after a variation in licensing meeting in October 2010. On this occasion, the Sub-committee concluded that the hours of use for the premises should remain unaltered. They considered that to extend the hours, as requested and extend the use of the balcony area, would be contrary to the licensing objective of preventing public nuisance. The application was refused, save that the Sub-committee granted the application in relation to the extension of hours on Christmas Eve and New Year’s Eve (but not Bank Holidays.)

The applicant now seeks, not only to extend the opening times by one hour i.e. From 10.00 to 00.30 hours Sun to Thurs and 10.00 to 01.30 hours Fri and Sat, but to vary the licensing on Christmas Eve and New Year’s Eve to opening at 10.00 and closing at 02.30 hours. He is



also now seeking to stop selling alcohol at the same hour the premises close to the public. How this will work in practice is difficult to ascertain, as most licensed premises allow a half-hour's drinking-up time after the serving of alcohol ends. With regard to this, I have confirmed with Mia Hill of the licensing department that the alignment of the licensing-hours and those sought for closure are the same. On their present licence, extended hours are not included on Bank Holidays and require a Ten application. On the variation application, the applicant now seeks to be open from 10.00 to 02.30 on an extended Bank Holiday weekend running through from Thurs, Fri, Sat and Sun i.e.. 4 nights.

An innovation appearing on this application, is the introduction of late-night refreshment, whatever this will mean. The licensing sought is Sun to Thurs 23.00 to 00.30, Fri and Sat 23.00 to 01.30, hours for the extended Bank Holiday weekends Thurs, Fri, Sat and Sun 10.00 to 02.30, Christmas Eve from 10.00 to 02.30 and New Year's Eve the same. We consider that this is probably a ploy to encourage clients to stay in the bar longer and drink more. It will probably attract clients from other bars, whose licensing hours are shorter than those at present sought by this application. Neighbouring residents and shopkeepers' already have to clear vomit from their doorways, more often than is acceptable and we believe that, if granted, this provision will exacerbate the problem.

In relation to the balcony, in Annexe 2, the variation seeks to remove the licensing restriction to close at 22.00 hours. Whilst not very apparent from the application, which could be regarded as misleading, this would mean, that the consumption of alcohol out here, would be possible until 10.30pm, but the balcony itself would not be closed, until the permitted closing time. As a result, people could be out on this balcony, smoking and making noise until 00.30 hrs Sun to Thurs, until 01.30 hrs on Sats and Sundays and on Christmas Eve, New Year's Eve and the 4 nights of Bank Holidays until 02.30 hours. There would be nothing to stop them 'nipping into the bar' for a drink and going out on the balcony again further-fuelled. The balcony doors, just as the ones at the bar entrance, would be constantly opened to permit access and egress, thus allowing music and interior-noise to spill out. In the past, on at least one occasion, the balcony doors were propped open, permitting persons to watch a television -set in the interior.

Approximately eight year's ago, when the former licensee applied for a licence to sell alcohol until 01.00 hours, through his solicitor, this hour was granted, on the strict understanding, that the Sobar would completely close the balcony at 22.00 hours. At the time, this was barely acceptable, but it was a trade-off for a hard-and-fast rule for protection against public nuisance. It was never intended as a springboard from which to launch further applications for an extension of this kind at some future date.

A determination, made following a further variation in licence hearing on 5<sup>th</sup> October 2010, states – 'The hours of use of the premise should remain unaltered, as the Sub-committee considered that to extend the hours of the balcony area would be contrary to the licensing objective of preventing public nuisance.'

I realise that in the next paragraphs, quotations from records held, are from a planning – officer, Sarah Westwood, but I include them, since I consider them relevant to this application.

In an E-Mail in relation to application 3/2007/1035, planning officer Sarah Westwood comments ' With regard to the extended hours on Fri and Sat evening, again in principle there is no real objection to this application, but there are concerns in that the application is only proposing to clear the upper terrace i.e. Balcony by 10 p.m. on the 2 days referred to in the application. Considering there are residents with children at school only yards from the upper terrace, it would be more acceptable and make more sense, to bring the proposed application in line with the recent self-imposed licence-variation ' (the trade-off referred to above ), 'by closing the upper terrace by 10 p.m.every day of the week. Again, if the proposed application is granted, conditions must be imposed to ensure that the application is adhered to.'

Again, in relation to Sobar planning application 3/2007/1034, Sarah Westwood comments ' In principle there is no objection to this planning application, as it is important that people have an enjoyable time whilst celebrating Christmas, Bank Holiday and New Year '— ( the Sub-committee did not allow the Bank Holiday ).... ' However it is just as important that residents have a quiet and stress free time as possible and there are major concerns that to date ,the Sobar have not been able to agree to the current licence variation, which they themselves proposed. There are question marks as to whether there will be suffice control as to the clearing of the upper terrace by the current 10 p.m. deadline. If the committee are to approve this application it must surely be with the conditions that residents are respected and protected.'

With regard to the lower terrace, referred to in the present application as ' the yard', Sarah Westwood comments :- ' Similarly with the lower terrace they need to work to the minimum approved use which is the planning position i.e. That there is no authorised use of this area in planning terms irrespective of what the licence may say. There are two sets of controls governing this site and the owners need to ensure that they do not breach either of them '. Unless there has been a retrospective application for this lower area, it was not approved at a planning meeting that I attended even though it had been developed in its present state.

In relation to planning application 3/2007/1035, Sarah Westwood writes :  
' the erecting of doors in the alley to form an entrance is all good news from a soundproofing point of view and is most welcome. There is however a concern with this application in that there is no proposed time scale as to when the construction is to be completed. There is also concern as to the conviction of this application, since this idea was proposed on a previous application and the retracted.'

With regard to the eventual erection of these doors, the term soundproofing is a misnomer, as is the case with the porch that surrounds it. The doors into the bar itself and the surrounding structure, do little or indeed nothing to muffle noise-nuisance for the following reasons :-

- 1) No specifically-designed sound-proofing materials have been used in the porch construction and if any have been used on the doors, these do not eliminate noise-nuisance.
- 2) There is a considerable gap between the top of the dividing-wall and the glass roof.

Clause No 11 of the current operating schedule clearly states , 'All external doors and windows will be kept closed when regulated entertainment is being provided except in the event of an emergency.' At present, they are not and the applicant now seeks to remove this clause.

In my understanding, ' all external doors' means exactly that, yet frequently, the doors into the street from the porch are propped open. Similarly, those from the entrance into the bar itself are constantly open, as clients pass through them, allowing noise from the bar itself to spill out. Without some kind of noise-monitoring or control of sound-equipment, the present situation is unlikely to improve.

The construction of a new porch ,using proper sound-proofing materials, and the filling-in of any gaps might help, as would better insulation and control of the doors.

My experience of a soundproof entrance, relates to bars in Spain situated in residential areas and which are open until 02.00 hours. Here, clients move through a set of insulated doors from the street and when these have closed, are able to pass through the second pair of doors into the bar itself.

Sound equipment is regulated, so that it can only be increased to an acceptable volume ,set by the authorities Would this not be a possible option here ?

A local resident in another part of town, has told me that under present licensing and lack of monitoring volume, she can lie in bed, in some cases until the early hours and sing along to the music.

I feel that's it it's generally recognised that the previous licensee proved incompetent and the present one claims that he needs to consult him on operational matters. One wonders why ?

Since the present licensee took over, the following incidents have been reported to what we thought was the appropriate department at the Council Offices, and/or the police. They should hold records of the complaints.

1. Volume of music unacceptable.
2. Music continuing after permitted hours.
3. Doors held or propped open unnecessarily.
4. On two occasions, clients from Sobar urinating in the street outside this property : one male against the garage, who was fined by the police and the other female crouched between the garage and No.3 King Street. The licensee saw what had obviously occurred and claimed that if she could be seen doing it on our CCTV, he would seek to prosecute. Our camera is trained on the area in front of our garage and the girl unfortunately was too near to the wall.
5. Vomit and glasses (full and empty) regularly deposited on doorsteps of this and neighbouring properties.
6. Verbal abuse by door-staff when complaining about presence of music after permitted hours, with the accusation that he (the complainant) was trespassing. This occurrence was reported to the police and enforcement officer, and he and the licensing sergeant were due to visit the licensee. Unfortunately, the police sergeant was called away. Apparently, the licensee is supposed to be trawling sound

recordings to discover some more hard-and-fast evidence which will take, so he claims, several weeks.

7. The bar was open outside permitted hours on the last Bank Holiday. After he has been there for a considerable time, the licensee was unaware that he needed to apply for a special licence to open outside permitted hours. This issue has been reported to the licensing department and we are unsure what action has or will be taken, especially when it has probably occurred on every bank holiday weekend since the present licensee took over.
8. When the Sobar first opened, the manager at the time, Matthew, frequently saw clients away from the premises, or at least kept an eye on them. At no time since he left, have we seen any vigilance of this nature being conducted. The present staff and management, seem to have no regard for clients, once they have passed through the doors leading from the porch and give the impression that they are unconcerned. We feel that the management, in general, has little respect or consideration for any of the residents in the area.

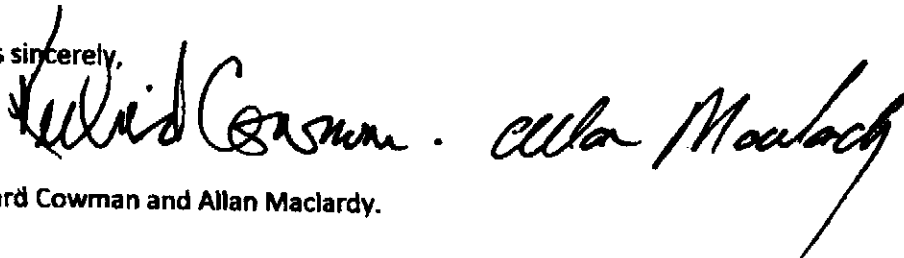
This track-record, relevant as it is to the public-nuisance clause, does not exactly inspire confidence, even though the licensee himself would claim to run 'a very tight ship.' We think not.

At present, there are more than 7 persons, including a lady of 70, two children of school-age, myself, aged 81, and my partner, Allan, who stays with me most weekends. For several years, we have had to endure excessive noise, unruly behaviour and foul language issuing from this balcony, in addition to overloud music from the premises generally. I am of the firm opinion, that any activity involving noise, whether from music and/or persons, should be confined to the premises and not take place outside.

Indeed, controlling noise that emanates from the interior and the balcony, is, and has been something of a problem. The licensee or members of the staff, are supposed to patrol the outside areas, to determine the volume of noise and adjust it accordingly, but there is and has been little evidence of this. With advancing years, my own hearing has become impaired, but I am told by my partner, relations, friends and neighbours including guests, that noise from this building is disturbing and intolerable, especially on Saturday nights. For all the above reasons, we strongly oppose any variation in present licensing at this bar.

In conclusion, it is felt that the current management of the Sobar is not best-suited to run a bar of this nature, especially with the proposed variations. The initial licence granted was for a wine-bar and not a night-club, where we feel this variation is heading. We believe that this is a further threat to our human rights and to an increase in the public nuisance currently experienced.

Yours sincerely,



Richard Cowman and Allan Maclardy.

# H M SOWERBUTTS & CO LTD.

ESTABLISHED 1870

10 King Street, Clitheroe,  
Lancs. BB7 2EP

14/7/2016

Ref: Variation of Alcohol & Music Licence, So-Bar, 1b King Street, Clitheroe,  
BB7 2EN.

Dear Catherine,

Before addressing the issues relating to Alcohol Sales and the provision of music etc. it should be pointed out that planning permission was sought in 2005 for the above venue (3/2005/0592) and again in 2006 (3/2006/004) and on both occasions it was a stipulation of planning permission granted that ALL servicing of the premises must take place between 07:00 and 09:00 hrs Monday to Saturday.

Furthermore LCC Highways insisted that the loading and unloading of vehicles should not obstruct neighbouring garages and other premises and that at the applicants expense the "Disabled Parking " bay directly in front of 1 King Street should be the subject of a Traffic Regulation Order permitting Loading and Unloading between 07:00 and 09:00 hrs Monday to Saturday.

This planning condition remains unfulfilled 10 years on from the second application and therefore, it would appear that before considering any changes to a Premises Licence it would seem advisable to address this issue with RVBC and LCC. (See: RVBC Planning 3/2005/0592 download 3-2005-0592\_683977.doc & 3/2006/004 download 3-2006-004\_691862.doc)

**In relation to the proposed changes in the licence for Live Music, Recorded Music or Performance of Dance indoors.**

- It should be noted that prior to the So-Bar opening in 2006 there was, and still are, residential properties adjoined and immediately adjacent to number 1b King St, who will be affected by any extension beyond the current licence for the provision of Live Music,

Recorded Music or Performance of Dance indoors and Patrons subsequently leaving the premises afterwards.

**In relation to the proposed changes in alcohol sales I wish to make the following points.**

- The entry to the front of our premises is recessed from the pavement by a passageway 3.00m deep and 1.30m wide and is sited directly across from 1 King Street. Currently, this entry is frequently used outside of normal business hours as a toilet by persons unknown, especially on Friday, Saturday and Sunday evenings. There is also a yard to the rear of our premises which is accessed from King Street and is similarly marred by the same actions. It is an unpleasant task having to clean up after these occurrences. It is assumed that the individuals responsible for this anti-social behaviour have been drinking somewhere in the town centre, as frequently there are bottles and glasses left abandoned as well, and any further extension of hours for alcohol sales nearby would exacerbate this situation especially if this application is successful. That is because Patrons would be able to buy alcohol when they are about to leave the premises, potentially at 02:30hrs in the morning and for it to be consumed without control in the town centre afterwards.
- With the large number of established drinking venues in the town centre where alcohol can already be obtained, and given that the So-Bar has operated since opening (2006) within its current licencing criteria, I would strongly object to the premises obtaining a licence for sales of alcohol, for consumption both on and off the premises from 10:00 am in the morning, 7 days a week. Furthermore I can see no reason why a licence for sales of alcohol for consumption both on and off the premises would be required until 00:30hrs Sunday to Thursday and until 01:30hrs on Fridays and Saturdays.
- In relation to the application to sell alcohol for consumption both on and off the premises on Christmas Eve and New Year's Eve from 10:30 hrs until 02:30hrs and to treat FOUR days of a Bank Holiday the same, I would object strongly on the grounds that I have already referred to in relation to our own premises. I find it alarming that a Thursday prior to a Bank Holiday Monday can be considered part of a Bank Holiday, with the possibility of alcohol being sold until 02:30 hrs and the prospect that I or my staff will find ourselves having to clean up yet more human effluent, bottles and glasses on a normal working Friday.

**Removal of Conditions in Annexe 2, of original Premises Licence.**

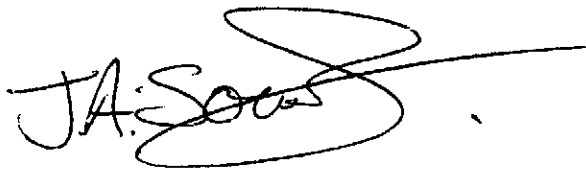
These were conditions attached to the original licence application, which was granted for shorter operational hours, and therefore, it seems illogical to seek to remove them if the hours of operation are extended.

**Article 3:** Given that the applicant is applying to sell alcohol for consumption both on and off the premises continuously for up to sixteen and a half hours, I believe it is essential that Comprehensive CCTV with recorded data to be kept for 31 days and downloads to be available for responsible authorities must be maintained as a condition of any licence, to ensure that public order is preserved.

**Articles 5, 6, 7:** Given the nature of the business it seems a matter of public safety that these three conditions must be maintained as a condition of any licence, especially when there is a residential unit attached to the premises.

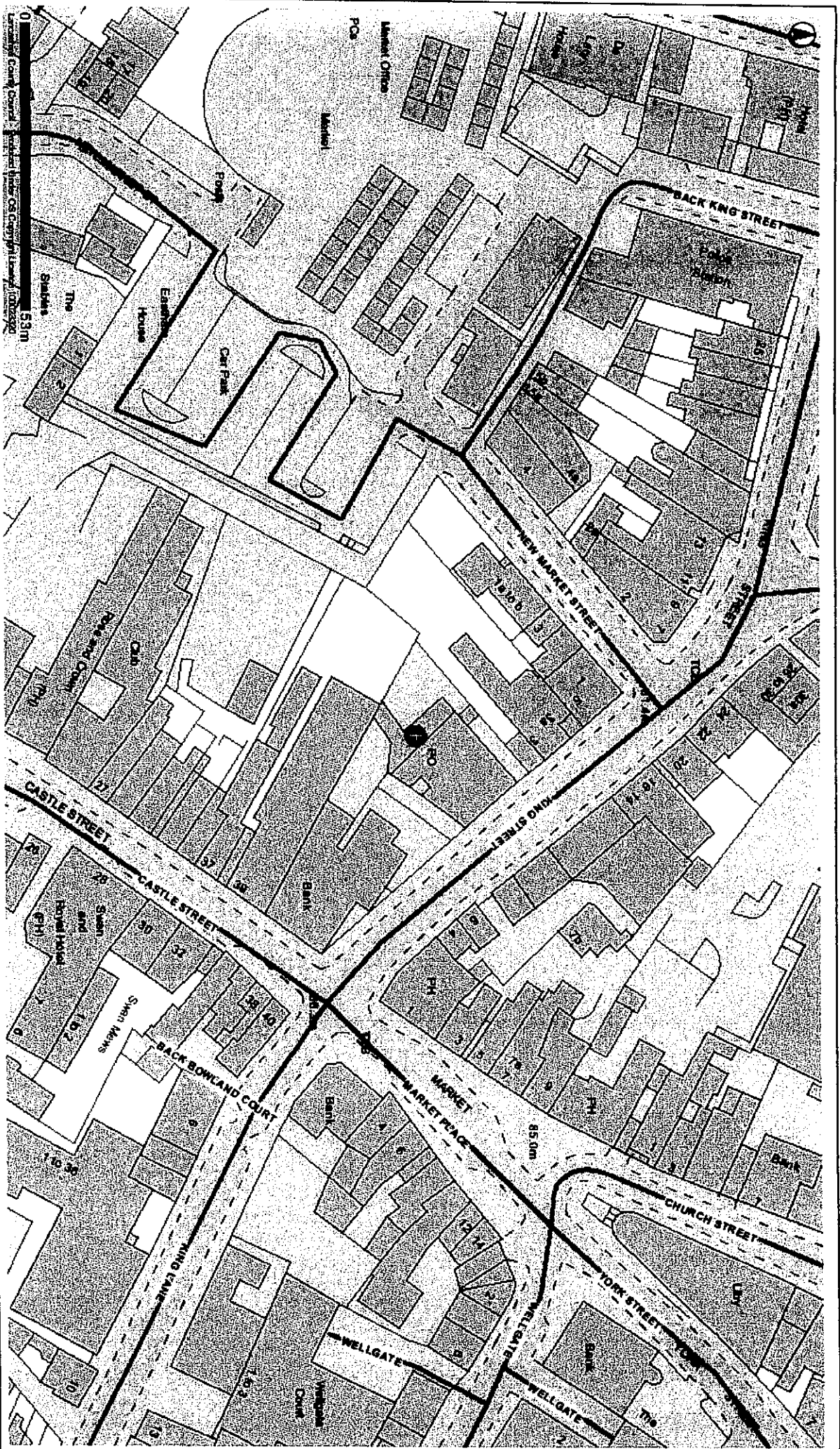
**Articles 18 & 19:** Given the nature of the business it would seem prudent that these two items form part of the licencing conditions.

Thank you for your attention.

A handwritten signature in black ink, appearing to read 'J A Sowerbutts', with a large, sweeping flourish extending to the right.

On Behalf of H M Sowerbutts & Co Ltd.

J A Sowerbutts



Sobar, 1B King Street, Clitheroe BB7 2EL