



Ribble Valley  
Borough Council  
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**SECTION 35 LICENSING ACT 2003**  
**NOTICE OF DETERMINATION IN RESPECT OF A HEARING**  
**WHICH TOOK PLACE ON FRIDAY 5 AUGUST 2016**  
**TO DETERMINE AN APPLICATION BY MR JONATHAN STEVEN CROMPTON**  
**FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF SOBAR,**  
**1B KING STREET, CLITHEROE, BB7 2EL,**

The Licensing Sub-Committee met on 5 August 2016. The Sub-Committee comprised the following members:

Councillor J Alcock - Chair  
Councillor S Brunskill  
Councillor P Elms

Also in attendance:

Solicitor (RVBC)  
Administration and Licensing (Alcohol & Entertainment) Officer (RVBC)  
Jonathan Crompton (Applicant)  
Malcolm Ireland (Applicant's Solicitor)  
Councillor Allan Knox  
Mrs Catherine Roberts  
Mr Richard Cowman  
Mr Alan Maclardy

} (Persons who had made relevant representations)

The Sub-Committee met to consider the application of Mr Jonathan Steven Crompton of 3 Kendall Close, Blackburn, Lancashire, BB2 4FB to vary the Premise Licence of Sobar, 1B King Street, Clitheroe, BB7 2EL under Section 34 of the Licensing Act 2003.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services dated 5 August 2016 and its appendices ("**Report**").

The Applicant's Solicitor made verbal representations to the Sub-Committee. He explained the background to the application and made the following concessions:

- The Applicant would no longer pursue the removal of the condition requiring the balcony to be closed from 10pm if the Sub-committee approved the variation and allowed use of the yard as a smoker's area during the opening hours of the premises.
- If the yard were approved to be used as a smoker's area throughout the premises opening hours the Applicant proposed a condition that no drinks be permitted in that area after 10pm.
- The application is amended so that the only bank holiday which would include Thursday would be Easter Weekend.

- A condition be added to the licence so that the variation will not take effect until the sound attenuation works proposed in the report of Total Vibration Solutions dated 28 July 2016 (contained at pages 27-28 of the Applicant's bundle for the hearing) (save for item 1 of the external works as this will be dependent on planning permission) have been completed.
- Off sales would cease at 11pm.

He also confirmed that the Applicant had agreed with the Responsible Authorities the inclusion on the varied licence of the following additional/revised conditions:

- 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 and an appropriate number of door supervisors will be utilised in accordance with said risk assessment. As a minimum, one door supervisor will be utilised on a Friday evening from 10.00pm until 30 minutes after the last drink is served and two door supervisors will be utilised on a Saturday evening from 10.00pm until 30 minutes after the last drink is served.
- Conditions 9, 10, 12 and 13 of the existing premises licence should be replaced by conditions 2, 3, & 5 of the Council's Best Practice Guidance.

Verbal representations were heard from each of the persons who had made relevant representations. In particular, Mrs Roberts outlined the issues she had encountered with anti-social behaviour and noise and Mr Cowman and Mr Maclardy outlined the issues they had had with noise, anti-social behaviour and noncompliance with the licence conditions.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written. The Sub-Committee also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations and the Council's licensing policy.

Having considered all of the above the Sub-Committee resolved to grant the Applicant's application for a variation to the premises licence as amended by the concessions made by the Applicant at the hearing and to include the conditions agreed by the Applicant with the Responsible Authorities, plus the inclusion of a requirement that the Applicant inform the Council when the sound attenuation works are complete.

As a result the operating schedule for the premises will be varied as set out in **Appendix 1** to this Notice and the conditions upon the premises licence will be as set out in **Appendix 2** to this Notice.

For the avoidance of doubt (as agreed by the Applicant) the variation will not take effect until the terms of condition 17 have been complied with.

The Sub-committee reached this decision because it considered that the licence, as applied for, and incorporating the amendments and additional conditions offered at the hearing would not breach the licensing objectives of the Licensing Act 2003.

## Appendix 1

### OPERATING SCHEDULE IN RESPECT OF THE SOBAR, 1B KING STREET, CLITHEROE BB7 2EL

Activity	Granted on Variation
<b>E. Live Music (Indoors)</b>	
Sun	1000hrs - 0030hrs
Mon	1000hrs - 0030hrs
Tues	1000hrs - 0030hrs
Wed	1000hrs - 0030hrs
Thurs	1000hrs - 0030hrs
Fri	1000hrs - 0130hrs
Sat	1000hrs - 0130hrs
Thurs prior to Good Friday	1000hrs - 0230hrs
Fri/Sat/Sun BH w/ends	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs
New Year's Eve	1000hrs - 0230hrs
<b>F. Recorded Music (Indoors)</b>	
Sun	1000hrs - 0030hrs
Mon	1000hrs - 0030hrs
Tues	1000hrs - 0030hrs
Wed	1000hrs - 0030hrs
Thurs	1000hrs - 0030hrs
Fri	1000hrs - 0130hrs
Sat	1000hrs - 0130hrs
Thurs prior to Good Friday	1000hrs - 0230hrs
Fri/Sat/Sun BH w/ends	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs
New Year's Eve	1000hrs - 0230hrs
<b>G. Performance of Dance (Indoors)</b>	
Sun	1000hrs - 0030hrs
Mon	1000hrs - 0030hrs
Tues	1000hrs - 0030hrs
Wed	1000hrs - 0030hrs
Thurs	1000hrs - 0030hrs

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<b>G. Performance of Dance (Indoors) cont...</b>	
Fri	1000hrs - 0130hrs
Sat	1000hrs - 0130hrs
Thurs prior to Good Friday	1000hrs - 0230hrs
Fri/Sat/Sun BH w/ends	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs
New Year's Eve	1000hrs - 0230hrs
<b>H. Entertainment of a Similar Description to that Falling Within E, F or G (Indoors)</b>	
Sun	1000hrs - 0030hrs
Mon	1000hrs - 0030hrs
Tues	1000hrs - 0030hrs
Wed	1000hrs - 0030hrs
Thurs	1000hrs - 0030hrs
Fri	1000hrs - 0130hrs
Sat	1000hrs - 0130hrs
Thurs prior to Good Friday	1000hrs - 0230hrs
Fri/Sat/Sun BH w/ends	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs
New Year's Eve	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 prior to Good Friday	2300hrs - 0230hrs
Fri/Sat/Sun BH w/ends	2300hrs - 0230hrs
24 December	2300hrs - 0230hrs
New Year's Eve	2300hrs - 0230hrs

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<b>J. Supply of alcohol</b>	<b>ON and OFF the premises*</b>
Sun	1000hrs - 0030hrs
Mon	1000hrs - 0030 hrs
Tues	1000hrs - 0030 hrs
Wed	1000hrs - 0030 hrs
Thurs	1000hrs - 0030 hrs
Fri	1000hrs - 0130hrs
Sat	1000hrs - 0130hrs
Thurs prior to Good Friday	1000hrs - 0230hrs
Fri/Sat/Sun BH w/ends	1000hrs - 0230hrs
24 December	1000hrs - 0230hrs
New Year's Eve	1000hrs - 0230hrs
	<b>* OFF sales to terminate at 2300hrs</b>
<b>L. Opening hours of premises</b>	
Sun	1000hrs - 0100hrs
Mon	1000hrs - 0100hrs
Tues	1000hrs - 0100hrs
Wed	1000hrs - 0100hrs
Thurs	1000hrs - 0100hrs
Fri	1000hrs - 0200hrs
Sat	1000hrs - 0200hrs
Thurs prior to Good Friday	1000hrs - 0300hrs
Fri/Sat/Sun BH w/ends	1000hrs - 0300hrs
24 December	1000hrs - 0300hrs
New Year's Eve	1000hrs - 0300hrs

## Appendix 2

Sobar PRE(A)0371

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

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. (a) 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.
- (b) 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.
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. 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. Off Sales will terminate at 11.00pm.
6. 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.
7. There shall be visible and clear notices requiring customers to leave the premises and the area quietly, placed at all exits.
8. 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.
9. 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.
10. Outside refuse i.e. bottle sorting/disposal, shall not take place between 10.00pm and 8.00am.
11. External areas will not be used for the consumption of alcohol beyond 10.00pm.

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12. The balcony area will be closed by 10.00pm.
13. All doors between internal and external areas will be fitted with self-closing mechanisms.
14. 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 and an appropriate number of door supervisors will be utilised in accordance with said risk assessment. As a minimum, one door supervisor will be utilised on a Friday evening from 10.00pm until 30 minutes after the last drink is served and two door supervisors will be utilised on a Saturday evening from 10.00pm until 30 minutes after the last drink is served.
15. (a) 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:
  - (i) A Passport;
  - (ii) A UK Photocard Driving Licence;
  - (iii) Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
  - (iv) Any other form of identification agreed with a representative of the Police Licensing Unit.
- (b) 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.
16. 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.
17. The variation to the Premises Licence as granted by the Sub Committee on 5 August 2016 will not take effect until the Licence Holder has carried out the noise attenuation works as recommended by their noise and vibration control specialists (Total Vibration Solutions Limited) namely:

### "Internally

- (i) Treatment to gable end wall above the main entrance doors an area of 9m<sup>2</sup> on this wall is to be covered in melamine based acoustic foam 50mm thick directly above the doors.
- (ii) The base cap speaker is to be isolated from the floor using Sylomer SR28.

### Externally

- (i) Any holes gaps around the canopy to be filled with a flexible no setting mastic (larger gaps to be filled with a Class O acoustic foam).
- (ii) Wall directly opposite doors to be treated with acoustic foam 50mm thick recommended 50% of the wall area.
- (iii) Melamine acoustic foam to be applied to underside of canopy 10% of complete area to be covered evenly along the entire length."

## **Appendix 2**

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

1. The Licence Holder will notify the Council within 7 days of completion of the noise attenuation works as set out in condition 17. above.