



Ribble Valley  
Borough Council  
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**SECTION 18 LICENSING ACT 2003**  
**NOTICE OF DETERMINATION IN RESPECT OF A HEARING**  
**WHICH TOOK PLACE ON TUESDAY 19 JUNE 2017**  
**TO DETERMINE AN APPLICATION BY CERBERUS (NW) LTD**  
**FOR A PREMISES LICENCE IN RESPECT OF THE H2O BAR, 3 ACCRINGTON ROAD,**  
**WHALLEY, CLITHEROE, BB7 9TD .**

The Licensing Sub-Committee met on 19 June 2017. The Sub-Committee comprised the following members:

Councillor S Brunskill - Chair  
Councillor R Swarbrick  
Councillor S Hind

Also in attendance:

Solicitor (RVBC)  
Administration and Licensing (Alcohol & Entertainment) Officer (RVBC)  
Committee Clerk (RVBC)  
Mark Eggar (Director of Applicant)  
Samantha Faud (Applicant's Solicitor)  
Karrie Ashworth (Proposed DPS)  
Councillor Clifford Ball (Whalley Parish Council)  
Councillor June Brown (Whalley Parish Council)  
Louise Clough (Swan Hotel, Whalley)

The Sub-Committee met to consider the application of Cerberus (NW) Ltd for a premises licence in respect of the H2O Bar, 3 Accrington Road, Whalley, Clitheroe, BB7 9TD.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services dated 19 June 2017 and its appendices ("**Report**").

The Applicant's Solicitor made verbal representations to the Sub-Committee and explained that both Mark Eggar and Karrie Ashworth had significant experience of working in and running licensed premises. A 7 year lease had been taken on the building and £25,000 will be invested in it. They intended to sell craft beers and gin and would not have any cheap drinks offers.

She confirmed that the Applicant had withdrawn his application for regulated entertainment and that the hours for the sale of alcohol had been reduced to 2am. Additional conditions had also been agreed with the police. A new plan had been submitted (and agreed with the police) which showed the external area. She also reiterated that no representations had been received from resident or the Environmental Health department. The Police's concerns had been dealt with by way of the additional conditions.

Verbal representations were received from Parish Councillor Ball and Parish Councillor Brown and also from Louise Clough. They submitted that the premise would cause additional noise to residents and to guests staying at the Swan Inn and that Whalley did not need additional premises. They also raised issues of safety with customers leaving the premises.

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 premises licence as applied for (and clarified at the hearing) including the amended plan of the premises.

The operating schedule for the premises is as applied for and as set out below:

<b>Opening hours of the premises:</b>	
Mon	10.00 - 02.30
Tues	10.00 - 02.30
Wed	10.00 - 02.30
Thurs	10.00 - 02.30
Friday	10.00 - 02.30
Sat	10.00 - 02.30
Sun	10.00 - 02.30
	10.00 - 02.30
<b>Supply of alcohol ON and OFF the premises:</b>	
Mon	10.00 – 02.00
Tues	10.00 – 02.00
Wed	10.00 – 02.00
Thurs	10.00 – 02.00
Fri	10.00 – 02.00
Sat	10.00 – 02.00
Sun	10.00 – 02.00

The mandatory conditions will apply to the licence as set out in **Appendix 1** to this notice.

The Sub-committee also determined that the conditions proposed by the Applicant and as agreed with the police should be incorporated into Annex 2 of the licence. Those conditions shall be incorporated as follows:

**The prevention of crime and disorder**

- Prior to each occasion that the licensable activities take place, a risk assessment will be carried out and an appropriate number of SIA registered door supervisors will be utilised at the premises in accordance with said risk assessment, which will be documented and made available to an authorised officer on request.
- Use of CCTV both within and outside the premises. CCTV shall be installed in the premises in compliance with any reasonable requirement of the Police. Images will be retained for a minimum of 28 days and will be available to the Police or Local Authority authorised officers upon request. Members of the management will be trained in the use of the system.
- All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:
  - A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
  - Photo driving licence

- Passport
- Citizen card supported by the Home Office
- Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder
- A refusals book shall be maintained to record all challenges and refused sales to persons who cannot comply with the above conditions.
- A notice of notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 years to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
- All staff will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Regular refresher training to be undertaken. All training will be documented and will be made available to an authorised officer upon request.
- No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purpose of delivery.
- No drink shall be removed in an unsealed container.
- The premises shall operate a zero tolerance drugs policy.

### **The prevention of public nuisance**

- The premises will actively discourage customers from congregating outside the front of the premises when the premises is open.
- A clear, legible and conspicuous notice shall be displayed at each public exit requesting patrons to avoid causing noise, nuisance or disturbance upon leaving the premises.
- Deliveries to the premises will only be permitted between the hours of 08.00 and 17.00.
- Any disposal of glass into the external bins will not take place between the hours of 18.00 and 08.00.
- Staff will encourage customers to disperse quickly and quietly.
- Any staff leaving the premises after closing time will do so quickly and quietly.
- Litter receptacles will be provided in the external area.

### **The protection of Children from harm**

- All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at suitable intervals. Said training will be documented and will be made available to an authorised officer upon request.
- People under the age of 18 years old will not be permitted in the premises after 19.00

The Sub-committee reached this decision because it considered that the licence, as applied for, and with the conditions imposed would not breach the licensing objectives of the Licensing Act 2003.

**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:
  - (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;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

## Appendix 1

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) -
  - (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 of alcohol which take place before the expiry of the period of 14 days beginning on the second day.