



Ribble Valley
Borough Council
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SECTION 34 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON MONDAY 25 SEPTEMBER 2017
TO DETERMINE AN APPLICATION BY STUART BERNARD CLARK AND LESLEY ANN
CLARK FOR THE VARIATION TO A PREMISES LICENCE IN RESPECT OF THE SPREAD
EAGLE, MELLOR LANE, MELLOR, BB2 7EG.

The Licensing Sub-Committee met on 25 September 2017. The Sub-Committee comprised the following members:

Councillor J Alcock - Chair
Councillor J Holgate
Councillor S Hore

Also in attendance:

Solicitor (RVBC)
Mrs L Clark (Joint Applicant)
Mrs C Clark (Assistant Manager of the Premises)
Mr A Eastham (Partner of Mrs L Clark)
Mr M Ireland (Solicitor for the Applicant)
Mr K Smith (Local Resident)
Mrs G Sherratt (Representative of Mr K Smith)

The Sub-Committee met to consider the application of Stuart Bernard Clark and Lesley Ann Clark for the variation of the premises licence in respect of the Spread Eagle, Mellor Lane, Mellor BB2 7EG to update the plans that accompany the premises licence to reflect changes to the layout of the premises; to remove two conditions, and to replace them with an alternative condition.

The Conditions proposed to be removed were:

“Outdoor areas such as beer gardens shall not be used after 10pm (The Council would normally recommend that patrons are brought in from external areas at 10pm to ensure that the impact on nearby residents is kept to a minimum). Supervision of such areas should be carried out on a regular basis and, if appropriate, action should be taken to ensure that no behaviour that may disturb neighbours is allowed in this area.

The lights in the beer garden should be turned off at 10pm.”

The Condition which was proposed to replace this was:

“No Customers shall be permitted in the terrace after 23.00 each night. By no later than 23.00 each night the terrace will be emptied of customers and the gates to the terrace will be locked.

Patrons will not be permitted to take drinks into any external area after 23.00 each night."

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services dated 25 September 2017 and its appendices ("**Report**"). The Sub-committee also heard from the Applicant's Solicitor, the Applicant (Mrs L Clark), the Assistant Manager and from one local resident Mr K Smith and his representative.

The Sub-Committee noted that there were no representations from the relevant authorities in respect of the application save for the addition of a challenge 25 condition by the police which was agreed by the Applicant.

The Sub-committee noted that there was no objection to the submission of the revised premises plan.

The Sub-Committee considered the location of the premises in relation to the surrounding residential premises and the history of the property. They also considered the more recent change in the demographic of the clientele of the premises.

The Sub-committee noted the contents of the bundle submitted by Mr Smith and the emails within it where he had made complaints about the premises to the Council. The Sub-committee noted that the majority of the complaints which relate to noise or disturbance caused by the beer garden/terrace were submitted during 2014 - 2015. There were none during 2016 and only 1 in May 2017. There were none after this date during the summer months when the beer garden/terrace would have been in use.

The Sub-committee also noted that as submitted by the Solicitor for the Applicant the requirement to supervise the beer garden/terrace would not be removed by the removal of the existing condition as the beer garden/terrace was now included in the revised premises plan.

The Sub-committee noted that the Applicant accepted that they had breached the condition requiring the lighting in the beer garden to be turned off at 10pm since 2015 and their explanation for this surrounding security and CCTV.

The Sub-committee gave careful consideration to the representations made by all parties, both verbal and written, and to the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations and the Council's licensing policy and determined that the variation would not impinge upon the licensing objectives in terms of the use of the terrace for an additional hour each day. They did however consider that the lighting being left on all night would cause potential disturbance and that this ought to remain restricted. They considered however that the need for security could be balanced against this with the inclusion of a condition:

"All lighting on the terrace shall be turned off at 23.00 each night, save for any motion sensitive security lighting".

The Sub-committee determined that the application to vary the premises licence should be granted as applied for, with the inclusion of the challenge 25 condition as proposed by the Police and the inclusion of the additional condition on lighting as set out above. In so granting the Sub-committee was mindful of the fact that if any issues arose as a result of the operation of the premises, residents and responsible authorities would be able to bring a review of the premises licence which would bring the licence back before the Sub-committee.

The parties are hereby notified that they may appeal against this decision to the magistrates' court with 21 days beginning with the date of notification of this decision.