



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 17 SEPTEMBER 2019
TO DETERMINE AN APPLICATION BY MR IKE JOSEPH WALMSLEY
FOR A PREMISES LICENCE IN RESPECT OF THE GENTLEMEN'S LOUNGE, 97 & 99 DERBY
ROAD, LONGRIDGE, PR3 3EE.

The Licensing Sub-Committee met on 17 September 2019. The Sub-Committee comprised the following members:

Councillor G Mirfin - Chair
Councillor N Walsh
Councillor S Hirst

Also in attendance:

Solicitor (RVBC)
Administration and Licensing (Alcohol & Entertainment) Officer (RVBC)
Mr I J Walmsley (applicant)
Mr P Livesey (applicant's representative)

The Sub-Committee met to consider the application of Ike Joseph Walmsley for a premises licence in respect of the Gentlemen's Lounge, 97-99 Derby Road, Longridge, PR3 3EE.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services dated 17 September 2019 and its appendices ("**Report**").

The Applicant's representative made verbal representations to the Sub-Committee and explained that the applicant and his family had become aware of hairdressers and tanning premises elsewhere in the country where alcohol was provided to customers either by retail or given away to customers while waiting or in the chair, and that they wished to be able to offer this facility to their customers. Only bottled or canned alcoholic drinks would be supplied, along with a range of soft drinks. There were six chairs for haircuts, two tanning rooms, and nine waiting spaces, meaning that the maximum number of people anticipated to be in the premises was 23, including staff. The applicant agreed to a condition restricting sale of alcohol to customers of the services offered at the premises.

The applicant was aware that any sale of alcohol outside the permitted hours would not be covered by the licence and would require an application for a Temporary Event Notice to have been submitted. It was confirmed that there would be no consumption of alcohol outside the premises, either in the yard or on the highway. All staff would be trained, with this being refreshed regularly, and such training would be documented.

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).

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

Opening hours of the premises:	
Mon	Closed
Tues	1000hrs - 1800hrs
Wed	1000hrs - 1800hrs
Thurs	1000hrs - 1900hrs
Friday	1000hrs - 1800hrs
Sat	0900hrs - 1400hrs
Sun	Closed
Supply of alcohol ON the premises only:	
Mon	Closed
Tues	1000hrs – 1800hrs
Wed	1000hrs – 1800hrs
Thurs	1000hrs – 1900hrs
Fri	1000hrs – 1800hrs
Sat	0900hrs – 1400hrs
Sun	Closed

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 in Section M of the application and as agreed with the police should be incorporated into Annex 2 of the licence. Those conditions shall be incorporated as follows:

General – all four licensing objectives

- All staff who are involved in the sale of alcohol will receive training in relation to the four licensing objectives. All staff shall receive regular refresher training to prevent underage supply/sale. This training to be documented and details of training to be made available on request.

The prevention of crime and disorder

- A CCTV system will be in operation at the premises.
- No drinks shall be taken off the premises.

The protection of children from harm

- A notice or 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 to consume alcohol or for any person to supply alcohol on behalf of a person under 18 years of age
- All persons who appear to be under the age of 25 shall be required to produce proof of age by way of the following:-
 - A recognised proof of age card accredited by 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

The prevention of public nuisance

- Storage of waste bottles and cans will be carried out inside the built premises

In addition, the Sub-committee resolved that the following additional condition should be added to Annex 3 of the licence:

- Alcohol shall only be sold or supplied to customers using the services offered at the premises.

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).

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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

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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.