



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 FRIDAY 10 JULY 2020
TO DETERMINE AN APPLICATION BY WHALLEY WINE BAR LIMITED
FOR A PREMISES LICENCE IN RESPECT OF
THE WHALLEY WINE BAR LIMITED, 65-67 KING STREET, WHALLEY BB7 9SW.

The Licensing Sub-Committee met on 10 July 2020. The Sub-Committee comprised the following members:

Councillor D Berryman - Chair
Councillor S Hore
Councillor A Knox

Also in attendance:

Head of Legal and Democratic Services
Licensing Officer
Committee Clerk
Mr T Jones (Applicant)
Mr M Ireland (Applicant's Solicitor)
Mr T Ashworth (Relevant representation)
Mr P Hitchen (Relevant representation)

The Sub-Committee met to consider the application of Whalley Wine Bar Limited for a premises licence at 65-67 King Street, Whalley, Lancashire BB7 9SW.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services dated 1 July 2020 and its appendices ("**Report**"). They also considered the bundle of documents including the amended application submitted by the Applicant.

Mr Ireland made verbal representations to the Sub-Committee. He explained the background to the application and the business which would operate it. He referred to the Cumulative Impact Assessment for Whalley and Painterwood ("**CIA**") and in particular page 22 which included comments praising the Whalley Wine Shop and stating that it was not part of the problem. He explained that his client had submitted the application without advice and hence when he had been instructed he had reviewed the application and the proposed conditions. The amended application removed regulated entertainment as this was not needed for background music. He had amended the hours to reflect those granted by planning as anything beyond that would be redundant. He had removed conditions which were merely narrative, duplicates of mandatory condition or statutory guidance or not sufficiently specific to be enforceable. He had incorporated the condition agreed with the police. Mr Ireland went on to explain the legal framework of the Licensing Act 2003 and the Council's CIA. He also referred to paragraph 55 of the decision in Daniel Thwaites

PLC v Wirral Borough Council and others CO/5533/2005. Finally, he explained his position in respect of each of the representations made.

Representations were invited from Mr Ashworth who explained that he did not foresee any issues with regard to crime and disorder, harm to children or public safety. However, he did consider that the proposed outside area to the rear of the premises would cause public nuisance due to its proximity to local residential areas. He stated that the area would be 130m² and would be immediately adjacent to no.s 1 & 2 and 23 metres from his house. He made reference to the sound survey which was carried out prior to the planning application, which he considered was unsatisfactory.

Representations were invited from Mr Hitchen who explained that he considered that the planning application report was flawed. He was astonished to see that the planning application had been made for the rear area. He considered that noise would be an issue and that the applicant would not be able to control the noise and disturbance. He considered that by 4pm the majority of the customers would be in the rear area due to the position of the sun. There were a lot of elderly residents who were upset about it.

Mr Ireland responded to the representations and then all parties summarised their positions.

The Licensing Sub-Committee considered carefully the representations made by all parties, both verbal and written, the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations and the Council's Statement of Licensing Principles including the CIA.

Having considered all of the above the Sub-Committee resolved to grant the application as amended and conceded at the hearing, to include the following:

Supply of alcohol on and off the premises:	
Sun	12:00 - 21:30
Mon	12:00 – 22:30
Tues	12:00 – 22:30
Wed	12:00 – 22:30
Thurs	12:00 – 22:30
Fri	12:00 – 22:30
Sat	12:00 – 22:30
Opening Hours of the Premises:	
Sun	12:00 – 22:00
Mon	12:00 – 23:00
Tues	12:00 – 23:00
Wed	12:00 – 23:00
Thurs	12:00 – 23:00
Fri	12:00 – 23:00
Sat	12:00 – 23:00

The following conditions proposed by the Applicant will also be incorporated into Annex 2:

General – all four licensing objectives

Upon commencement of their employment, all staff who are involved in the sale of alcohol 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. Refresher

training will be provided at least once every twelve months and all training will be documented, kept on the premises and made available to an authorised officer on request.

The prevention of crime and disorder

A colour CCTV system shall be installed at the premises and will meet the following criteria:

- The system will display on any recording the time and date of said recording;
- The system will be recording whenever the premises is open to the public;
- The system will be kept in working order and will be checked regularly, with any faults being rectified promptly;
- Any recordings will be retained for a minimum of 31 days after they are made and will be produced to an authorised officer upon request, so long as said request is in accordance with the principles of the Data Protection Act 2018 or any subsequent or alternative legislation;
- Cameras will be sufficient in number to capture any area in which licensable activities take place as well as any public entrance / exit and the area immediately outside the main entrance.
- Footage of the rear external area will be viewable from a monitor behind the bar servery.

Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.

A competent person trained in the use of and operation of the CCTV will be in attendance at the premise at all times that licensable activities are taking place. Said person will be able to fully operate the CCTV system and be able to download data in a recognised format when requested.

The premises will be an active member of the local Pubwatch scheme (or it's equivalent) where such a scheme is in operation.

An incident register will be maintained at the premises and will record details of any public order offences and any refusals of the service of alcohol. Said register will be made available upon request to an authorised officer.

Public Safety

Any sales of alcohol which are knowingly made for consumption off the premises will be made in a sealed container.

The prevention of public nuisance

The external area to the rear of the premises and highlighted blue on the Premises Licence Plan will be cleared of customers and appropriately secured by no later than 21:00 on Mondays to Saturdays and by no later than 20:00 on Sundays.

The gate between Church Lane and the external area to the rear of the premises will not be capable of being opened from the outside of the premises. The interior of the gate will be clearly signed off to the effect that it should only be used in the event of an emergency.

The external filling and emptying of glass refuge / recycling receptacles shall not be undertaken between the hours of 20:00 and 08:00 on any day.

The telephone numbers of a local taxi operator will be visible inside the premises. The premises will have an agreement with said operator to the effect that they shall signal their arrival to their fate by way of text message or phone call rather than through the sounding of their horn.

Whenever the external area to the rear of the premises is in use by customers, a member of staff will be specifically tasked with the monitoring and supervision of said area.

The management of the premises will ensure that the area immediately outside the entrance to the premise is kept clean, tidy and free from litter. An adequate number of waste receptacles will be provided by the premises.

Notices will be displayed in a prominent position at the public exist requesting that patrons respect the needs of local residents and leave the premises and the area quickly and quietly.

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, following which they will undertake refresher training at least once every twelve months. Said training will be documented, kept on the premises and will be made available to an authorised officer upon request.