



Ribble Valley  
Borough Council  
www.ribblevalley.gov.uk

**SECTION 18 LICENSING ACT 2003**  
**NOTICE OF DETERMINATION IN RESPECT OF A HEARING**  
**WHICH TOOK PLACE ON FRIDAY 3 FEBRUARY 2023**  
**TO DETERMINE AN APPLICATION BY THE EVERYTHING LUXURY HAMLET LIMITED**  
**FOR A PREMISES LICENCE IN RESPECT OF EVERYTHING RETREAT, PRIMROSE LANE,**  
**MELLOR, BLACKBURN, BB2 7EQ.**

The Licensing Sub-Committee met on 3 February 2023. The Sub-Committee comprised the following members:

Councillor S O'Rourke - Chair  
Councillor I Brown  
Councillor D O'Rourke

Also in attendance:

Solicitor (RVBC)  
Licensing Officer (Alcohol & Entertainment) (RVBC)  
Mrs L Monk (director of the applicant)  
Mr C Monk (director of the applicant)  
Mr A Gregson (applicant's representative)  
Mr I Thomson (also on behalf of Ms K Hacking) (relevant representation)  
Ms L Bell (relevant representation)  
Ms N Clay (relevant representation)  
Ms A Lucas (relevant representation)

The Sub-Committee met to consider the application of The Everything Luxury Hamlet Limited for a premises licence in respect of Everything Retreat, Primrose Lane, Mellor, Blackburn, BB2 7EQ.

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

The Applicant's representative made verbal representations to the Sub-Committee and explained that the application was now for a licence permitting the supply of alcohol only, the application for permission to provide films having been withdrawn. The intention was for supply of alcohol only to visitors residing at the premises overnight and their guests. There were 12 two person lodges at the premises. There might be occasions when those residents had guests at the lodge to whom alcohol might be supplied.

A resident expressed concern about additional traffic and the limited parking available in the event that guests were to attend, but it was noted that this could arise irrespective of the existence of a licence, and was a planning matter rather than a licensing issue. Concern was also expressed about the possibility of unruly behaviour due to there being a licence.

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 statutory guidance, 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:

<b>Opening hours of the premises:</b>	
Mon	0800hrs – 2200hrs
Tues	0800hrs – 2200hrs
Wed	0800hrs – 2200hrs
Thurs	0800hrs - 2200hrs
Friday	0800hrs - 2200hrs
Sat	0800hrs - 2200hrs
Sun	0800hrs – 2200hrs
<b>Supply of alcohol ON and OFF the premises:</b>	
Mon	0800hrs – 2200hrs
Tues	0800hrs – 2200hrs
Wed	0800hrs – 2200hrs
Thurs	0800hrs – 2200hrs
Fri	0800hrs – 2200hrs
Sat	0800hrs – 2200hrs
Sun	0800hrs – 2200hrs

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 18 of the application 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 to understand and promote the four licensing objectives, and to work within the conditions of the licence. The designated premises supervisor shall conduct staff training on a six-monthly basis. This training shall be documented and details of training to be made available on request to the police or other responsible authorities.

**The prevention of crime and disorder**

- A CCTV system covering areas inside the premises shall be installed and maintained in accordance with police recommendations, with a properly maintained log.
- The CCTV shall be working and recording correctly at all times.
- All CCTV images shall be stored for a minimum of 31 days.
- The designated premises supervisor shall inspect and test that the CCTV is operational and working at least once each week. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the licensing authority on request.

**The protection of children from harm**

- The premises shall operate a Challenge 25 age restricted sales policy and shall display appropriate signage advising customers of this policy.
- All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.

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

- Clear signs will be present and visible at all exits requesting customers to leave quietly and to respect any neighbours.

#### **Public Safety**

- All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the Licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of such training shall be retained and made available to police and authorised officers of the licensing authority on request.

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.

## ANNEX 1

### 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).
- 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.