



SECTION 35 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON FRIDAY 30 JUNE 2023
TO DETERMINE AN APPLICATION BY SPENWORTH LIMITED
FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF
THE WHITE HART INN, 36 PADIHAM ROAD, SABDEN, CLITHEROE BB7 9EW.

The Licensing Sub-Committee met on 30 June 2023. The Sub-Committee comprised the following members:

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

Also in attendance:

Solicitor (RVBC)
Licensing Officer (RVBC)
Committee Clerk (RVBC)
Stephen Spencer (Former director of the Applicant)
Malcolm Ireland of Harrison Drury Solicitors (Applicant's representative, but instructed by Thwaites Brewery)
Kristian Torgersen of Harrison Drury Solicitors
Heather Kerr (Relevant Representation)

The Sub-Committee met to consider the application of the White Hart, 36 Padiham Road, Sabden, Clitheroe, BB7 9EW to vary the premises licence in two respects, namely to amend the plans which accompanied the premises licence to permit alcohol sales from a defined outdoor area and to remove a condition requiring curtains to be closed in the licensed area after 2300 hours. Prior to the hearing, an additional condition had been agreed following dialogue with the Council's environmental health department providing that "No sales of alcohol will be permitted in external areas after 2100 hours each day".

The Sub-Committee considered the contents of the report of the Chief Executive dated 30 June 2023 and its appendices ("**Report**"), and subsequent representations which had been received and circulated prior to the hearing.

Mr Ireland made verbal representations to the Sub-Committee. He highlighted the fact that the responsible authorities had not made representations to the Sub-committee.

He explained that, notwithstanding the condition (condition m of annex 2 of the existing licence), there had been no curtains serving the licensed area from 2014 until 2022 without complaint, that the current curtains in place did not have acoustic qualities, and that the condition was not appropriate.

He explained that the proposed service outside was intended to avoid or alleviate bottlenecks inside the building, that the outside bar would only be used when the premises were busy enough to justify employment of an additional staff member to run the outside bar, and that this staff member would in fact be present to supervise the outside of the premises including customer behaviour in that location.

He acknowledged that the relationship between the applicant and its operators and key neighbours had broken down, which had been identified by the brewery following consideration of the representations in response to this application. The brewery hoped to insert itself into the situation to try to resolve matters.

He addressed the issues which had been raised in the representations. Amongst the issues, particular concern had been expressed about music noise from inside the premises. It was not intended to seek to vary the licence in this respect at the hearing, and that residents as well as responsible authorities had the right to review a licence, if appropriate.

The objector questioned whether customers in the beer garden could be served by use of an app and waiter service. The applicant, and their representative, considered this but expressed concerns about the signal for wi-fi, the suitability for their customer base, and indicated that, in their view, such a proposal was not relevant for the current hearing.

The Council's solicitor explained the planning conditions which had been imposed when planning permission was granted for the construction of the shed seating booths in the beer garden in 2019, in order that the brewery and their planning advisors could consider what planning matters might need to be considered in relation to the proposed use of the shed and garden.

The objector indicated that music played in the beer garden over bank holidays had disturbed the peace, and was concerned that such activity would be encouraged by the presence of an outside bar. She also stipulated that apps do work in Sabden and that wi-fi was satisfactory.

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 guidance under s 182 of the Licensing Act 2003, the relevant provisions of the Human Rights Act as set out in the Report and the Council's licensing policy.

Having considered all of the above, the Licensing Sub-Committee resolved to grant the application to permit alcohol sales from the defined outdoor area and to remove the condition requiring curtains to be closed in the licensed area after 2300 hours. Further, they resolved that there should be an additional condition of the licence providing that "No sales of alcohol will be permitted in external areas after 2100 hours each day".

The Sub-committee reached this decision because they do not consider that the variation as granted and incorporating the additional condition would undermine the licensing objectives.