



Ribble Valley
Borough Council
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SECTION 35 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON FRIDAY 22 SEPTEMBER 2023
TO DETERMINE AN APPLICATION BY INDIVIDUAL INNS 2 LIMITED FOR THE
VARIATION OF A PREMISES LICENCE IN RESPECT OF THE SPREAD EAGLE HOTEL,
SAWLEY, CLITHEROE, LANCASHIRE BB7 4NH.

The Licensing Sub-Committee met on 22 September 2023. The Sub-Committee comprised the following members:

Councillor I Brown - Chair
Councillor S Brunskill
Councillor R Newmark

Also in attendance:

Solicitor (RVBC)
Committee Clerk (RVBC)
Simon Taylor (Area manager of the Applicant)
Gill Sherratt of Napthens (Applicant's Representative)
Tony Gregory (Relevant Representation)
Joanne Gregory (Relevant Representation)
Robert Veitch (Relevant Representation)
Paul Rhodes (Resident from whom relevant representation had been submitted but not received)

The Sub-Committee met to consider the application of Individual Inns 2 Limited to vary the premises licence in four respects, namely to: amend the plan of the licensed premises; remove certain conditions of annex 2 of the licence; add more appropriate/modern conditions; and add provision of late-night refreshment to the licensable activities.

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

Mrs Sherratt made verbal representations to the Sub-Committee. She highlighted the background to the premises and the Applicant's motivations for applying for the variation. She explained that the application had been brought to update the licence to be fit for its purpose, and that the applicant was not proposing to alter its current operation. It was intended to have

a current plan of the licensed area, together with conditions which met current requirements. The only additional aspect under consideration was the introduction of provision of late-night refreshment as a licensable activity.

Consideration had been given to representations by the Council's Environmental Health Officer and, subject to the Sub-Committee's approval, proposed conditions had been agreed, including prohibition of consumption of food and alcoholic drinks in the beer garden between 23.00 hours and 08.00 hours.

Members raised the issue of CCTV, and the applicant confirmed agreement to introduction of a condition providing for CCTV coverage of the beer garden at the south of the premises, retention of images and production of such images to the police or licensing authority on demand.

Representations were made by Mr and Mrs Gregory. They expressed concern about the removal of the condition requiring prior notice of fireworks based activity, but were particularly concerned about use of the beer garden after 23.00 hours and behaviour of patrons on the roadway, particularly in the vicinity of the archway close to their address. They had moved into their property in December 2022.

In response to a question by the sub-committee, Mr Rhodes confirmed that he had lived in his property for 22 years, that had contacted the current and previous designated premises supervisors about issues, but that there had been no police involvement. He and Mr and Mrs Gregory expressed concern about the potential for nuisance from smokers or customers with soft drinks after 23.00 hours.

Members were reminded that any decision should be evidence based and that, in the event of complaint, a licence could be reviewed, albeit normally after a staged enforcement approach. Further, in the event of nuisance arising from licensable or non-licensable activity, powers are available to the Council's Environmental health officer to take action under separate legislation.

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, and 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 Sub-Committee resolved to grant the application to vary the licence as follows:

- The licensable activity of provision of late night refreshment be allowed from 23.00 hours until 01.00 hours each day save for New Year's Eve when the activity would be permitted from 23.00 hours to 05.00 hours.
- The licence include the amended premises plan included with the application.
- Conditions 1, 9, 10, 13, and 14 of annex 2 of the existing premises licence be removed.
- The following conditions be added to annex 2 of the licence
 - a) The premises will adopt a "Challenge 25" policy. This means that, if a customer purchasing alcohol appears to be under the age of 25 years, they will be asked for proof of their age, to prove that they are years or older. The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age bearing the PASS hologram.

- b) A CCTV system shall be in operation at the premises, including coverage of the beer garden at the south of the premises, and recorded images shall be retained for a minimum of 28 days. The data will be made available to the police and other responsible authorities upon reasonable request.
- c) The external areas under the control of the licence holder shall not be used by customers consuming food or drink (alcoholic or otherwise) prior to 08.00 hours and after 23.00 hours to ensure that patrons do not cause nuisance to nearby neighbouring premises. The Premises Licence Holder shall ensure that compliance with this condition is monitored by persons employed at the premises on at least an hourly basis whilst the premises is in operation between the hours of 23.00 hours to 08.00 hours. Notices shall be displayed prominently at all exits to the premises to notify customers of this requirement.
- d) The Premises Licence Holder shall ensure that a policy is in place for the premises to prevent customers from taking any food or drinks outside the premises between 23.00 hours and 08.00 hours. This does not apply to food and drink being taken to be consumed away from the premises. Notices shall be displayed prominently at all exits to the premises informing customers of this policy.

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