



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 17 MAY 2024
TO DETERMINE AN APPLICATION BY BROOKE DARLINGTON
FOR A PREMISES LICENCE IN RESPECT OF THE NAB LAB, 35b KING STREET,
WHALLEY, CLITHEROE, BB7 9SP.

The Licensing Sub-Committee met on 17 May 2024. The Sub-Committee comprised the following members:

Councillor S Brunskill - Chair
Councillor S O'Rourke
Councillor R Newmark

Also in attendance:

Solicitor (RVBC)
Licensing Officer (Alcohol & Entertainment) (RVBC)
Committee Clerk (RVBC)
Brooke Darlington – Applicant
David Horner – Applicant's representative

The Sub-Committee met to consider the application of Brooke Darlington for a premises licence in respect of The Nab Lab, 35b King Street, Whalley, Clitheroe, BB7 9SP.

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

The solicitor explained the application and drew specific attention to the Cumulative Impact Assessment (CIA) for Whalley and Painter Wood, as contained in the Council's Statement of Licensing Policy 2021-2026. The Sub-Committee was reminded of the written representations received, where the Parish Council and the individual who had made representations were not able to attend the meeting. Their representations and additional information received from the Parish Council with regard to crime figures including night-time economy related crime were before the meeting.

The Applicant's representative explained the background to the application. The proposed business would be a gin school, educating customers on the use of botanicals and creating their own gin. The applicant's knowledge was the core of the service. Courses of up to 12

people would attend pre-booked classes of 2 hours duration, taking away a 70cl bottle of gin which they had made and tasting 3 gin and tonics on site as a sample. For this, the application was for sales for consumption on and off the premises. The courses were likely to attract an older demographic of customer. The applicant had heeded the RVBC Statement of Licensing Policy, including the Whalley CIA, and proposed to demonstrate that the licensing objectives would not be undermined.

There had been no representations from responsible authorities and the police has indicated that a similar premises in Darwen was in operation without there being any concerns.

Whilst the hours and days requested had been included to provide for maximum flexibility, the applicant's intention was to hold 4 courses per week at the outset, although this might expand depending on how the business worked out and what was arranged with the applicant's current working commitments.

Sales would take place to those attending a pre-booked course and remote sales would be over the internet, being despatched by courier. There would not be any walk-in purchases of alcohol or entry to a course – if the applicant was on the premises and a course was not taking place, a voucher might be sold, or a course could be booked in person, but no alcohol would be sold. A condition could be agreed to reinforce this.

Car use would not be encouraged on the website, with the only parking location endorsed being on Accrington Road.

The applicant was prepared to join the Pubwatch scheme or equivalent.

The concern regarding exacerbation of the problems reported in Whalley was considered. There was no invitation for group bookings, although such would not be rejected. The demographic targeted was the older end of the market, and the cost of the course would discourage customers who were not serious about the course. A notice could be displayed to invite customers to leave quietly and to respect the neighbours in a residential area.

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, the Council's licensing policy, and the CIA.

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), subject to additional appropriate conditions.

Having taken all matters into account, the Sub-Committee were satisfied in the particular circumstances that the applicant had discharged the burden in the Statement of Licensing Policy and had demonstrated how the application would not undermine the licensing objectives.

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

Opening hours of the premises:	
Mon	09.00 – 21.00
Tues	09.00 – 21.00
Wed	09.00 – 21.00
Thurs	09.00 – 21.00
Friday	09.00 – 21.00

Sat	09.00 – 21.00
Sun	09.00 – 21.00
Supply of alcohol ON and OFF the premises:	
Mon	09.00 – 21.00
Tues	09.00 – 21.00
Wed	09.00 – 21.00
Thurs	09.00 – 21.00
Fri	09.00 – 21.00
Sat	09.00 – 21.00
Sun	09.00 – 21.00

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 and those agreed at the hearing should be incorporated into Annex 2 of the licence. Those conditions shall be incorporated as follows:

- The supply of alcohol for consumption on the premises shall only be to a person who is using the premises attending a pre-booked course.
- The supply of alcohol for consumption off the premises shall only be to those people who are undertaking or who are leaving the premises having undertaken a pre-booked course, or who have purchased the alcohol remotely (via the internet) and to whom the alcohol will be delivered by courier.
- The premises licence holder shall ensure that a sticker or other marking is applied to all consignments of alcohol which are delivered remotely stating “This package contains age restricted products; ensure recipient is over 18” (or similar wording to the same effect).
- A refusals record must be kept at the premises which details all refusals to sell alcohol. The record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be retained for twelve months and be made available to the police or an authorised officer of the local authority on request.
- A record will be made of the identification produced at the point of delivery of remote sales and retained for a period of six months, and be made available to the police or an authorised officer of the local authority on request.
- No alcohol will be sold or delivered to anyone who appears to be under the age of 25 years, unless they produce approved identification to prove that they are over the age of 18 years by way of the following
 1. A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
 2. Photo driving licence
 3. Passport
 4. Citizen card supported by the Home Office or
 5. Official ID card issued by HM Forces or European Union Member State bearing a photograph and date of birth of the holder
- The premises licence holder shall ensure that all staff receive training regarding the Challenge 25 scheme. Records of such training shall be retained and be made available to the police or an authorised officer of the local authority on request.
- The premises licence holder shall ensure that all employees of any third party engaged in the delivery of alcohol, eg couriers, have also been trained by their employers

- regarding the Challenge 25 policy. Records of such training shall be retained and be made available to the police or an authorised officer of the local authority on request.
- The DPS will be an active member of the local Pubwatch or equivalent for the area. Either the DPS or a person nominated by them will regularly attend the meetings and support the scheme.
 - CCTV will be in operation at all times the premises are used for licensable activities. CCTV images will be stored for a minimum of 31 days and will be made available upon request to the police and any other responsible officers.
 - The applicant will maintain the CCTV system at regular intervals to ensure that it is in working order.
 - The premises will be maintained in a safe manner at all times and all areas will be clear of hazards.
 - The premises licence holder will be aware of their responsibilities under the Regulatory Reform (Fire Safety) Order 2005, including all staff being trained in emergency procedures and records maintained to this effect.
 - All refuse will be disposed of in an appropriate manner.
 - Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.
 - A notice will be displayed by the external door requesting customers to leave quietly and to respect the neighbours.

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.

The parties are hereby notified that they may appeal against this decision to the Magistrates Court within 21 days beginning with the date of notification of this decision.

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.