

Minutes of Sub-Committee of the Licensing Committee

Meeting Date: Friday, 22 September 2023, starting at 11.00 am
Present: Councillor I Brown (Chairman)

Councillors:

S Brunskill

R Newmark

In attendance: Solicitor

Also in attendance: Mrs G Sherratt (Applicant's legal representative), Mr S Taylor (Area Manager for the Applicant), Mr T Gregory (relevant representative), Mrs J Gregory (relevant representative), Mr R Veitch (relevant representative on behalf of Sawley Parish Council) and Mr P Rhodes (relevant representative)

325 WELCOME

326 APOLOGIES AND RE-CONSTITUTION OF THE COMMITTEE MEMBERSHIP

There were no apologies for absence received.

327 DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS

There were no declarations of disclosable pecuniary, or other registrable and non-registrable interests.

328 APPLICATION TO VARY PREMISES LICENCE - SPREAD EAGLE HOTEL SAWLEY

The Sub-Committee met to consider the application by Individual Inns 2 Limited to vary the premises licence in respect of the Spread Eagle Hotel, Sawley, Clitheroe BB7 4NH.

Prior to the Sub-Committee convening, a period of time was allowed for the applicant and the objectors to enter into discussions, in the hope that a mutual agreement could be put forward. Unfortunately, these discussions were not successful.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services and its appendices.

The Council's Solicitor introduced the premises licence application and the options available to Members.

The applicant's representative, Mrs Gill Sherratt, made verbal representations to the Sub-Committee. She provided background information as to the applicant and the premises before outlining that the variations sought were largely a housekeeping and modernising exercise to ensure that the licence remained fit for purpose.

New floor plans had been submitted for approval, and whilst there were no changes to the layout or the licensed area, it was felt that the new plans were more comprehensive.

A variation to the licence was sought to include late night refreshment from 11pm to 1am.

Ms Sherratt outlined the premise licence conditions that the applicant was seeking to alter. They were seeking for conditions one and fourteen to be removed as these were felt to be redundant. With regards to condition ten, it was submitted that it should be removed as the licence was not in place to regulate fireworks.

It was submitted that an update to condition nine (as per appendix D) was being sought to add more detail and to make it clearer to enforcement officers. It was noted that the Council's Environmental Health department were content with the proposed amendment.

It was argued that condition thirteen should be removed as it would prevent customers in the restaurant from taking an opened bottle of wine away with them if they had not finished it with their meal. It was further submitted that it would have a detrimental effect on weddings at the premises if guests could not have photographs/toasts with champagne at nearby scenic areas.

The Area Manager of the applicant, Simon Taylor, gave brief verbal representations, assuring the Sub-Committee that the applicant wanted the hotel to be a good employer and a good neighbour. He accepted that there had been a few issues in April 2023, but the staff had been very reactive to these. They had increased surveillance of the outside areas and continued to monitor the situation.

The applicant's representative responded to several questions raised by the Sub-Committee, particularly regarding CCTV at the premises, general security and safety concerns and offering clarification on various aspects of the application. She stated that a condition requiring retention and production of CCTV images would be acceptable, including coverage of the beer garden if not already in place.

The objectors, Mr and Mrs Gregory made verbal representations to the Sub-Committee. Mr Gregory outlined his concern as to the noise levels in the beer garden after 11pm. He felt that it was the hotel's responsibility to find an alternative point for people to smoke after this time and the beer garden should not be used after 11pm. His other main concern was in relation to hotel patrons congregating on the main road, particularly outside his house, whilst photographs were being taken nearby. He argued that it was a public nuisance and a safety issue which the hotel should be responsible for preventing.

Mrs Gregory reiterated the concerns raised by Mr Gregory in relation to the beer garden being used after 11pm and outlined the impact that it had on them in terms of noise.

Sawley Parish Councillor, Mr Veitch made brief verbal representations.

Mr Rhodes, although not a party to the proceedings, responded to a question by the sub-committee and outlined that whilst the hotel was an asset to the village, there had been occasions where he had to complain regarding excessive noise after 11pm. He acknowledged that the hotel staff had been responsive to his complaints but felt that noise outside between 11am – 1am was unacceptable.

Ms Sherratt responded arguing that the current licence allowed for patrons to go out into the beer garden between 11pm – 1am to smoke. The hotel could not stop people from going outside. It was submitted that the beer garden was an area that could be managed and monitored.

The Council's Solicitor reminded Members that any decision should be evidence based and should not be based upon speculation. He outlined that a licence could be reviewed in the event of a complaint, although this was normally the final stage in a

staged process. Furthermore, in the event of nuisance arising from licensable or non-licensable activity, powers were available to the Council's Environmental Health officer to take action under separate legislation.

Several further questions were raised by the Sub-Committee, and Councillor Brunskill mentioned the possibility of signage outside the premises advising patrons not to take drinks onto the highway. The Council's Solicitor advised that whilst this would not form a condition of the licence, it might be something that the applicant could carry out voluntarily – to which the applicant appeared to be receptive.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written. The Sub-Committee 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 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 did consider that the variation as granted and incorporating the additional conditions would promote and not undermine the licensing objectives.

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EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 12.20 pm

If you have any queries on these minutes please contact the committee clerk, Jenny Martin jenny.martin@ribblevalley.gov.uk.