

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING SUB-COMMITTEE

meeting date: THURSDAY 16 NOVEMBER 2023
 title: THE FRIARY, 34 KING STREET, WHALLEY BB7 9SL
 submitted by: HEAD OF LEGAL & DEMOCRATIC SERVICES
 principal author: LICENSING OFFICER

1 PURPOSE

1.1 To advise the sub-committee on the determination of an application required under section 18 of the Licensing Act 2003.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives]
- Corporate Priorities] The Council aims to be a well-managed Council; a robust licensing process contributes to that objective.
- Other Considerations]

2 THE APPLICATION

2.1 Daniel Stevenson has made an application for a Premises Licence to be granted for The Friary, 34 King Street, Whalley BB7 9SL.

2.2 A copy of the licence application is attached at **Appendix A**.

2.3 Details of the licensable activities applied for are set out in the table attached at **Appendix B**.

2.4 The applicant in its operating schedule (Appendix A Section M) describes the additional measures he intends to take to promote the four licensing objectives. These will become conditions of any licence granted.

2.5 The applicant has also agreed further conditions with the police which have been added to the premises licence application. Details of these conditions are set out at **Appendix C**.

2.6 Two relevant representations have been received. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

2.7 Statutory guidance states: "A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives" and "representations should relate to the impact of licensable activities carried on from premises on the objectives."

2.8 A copy of the representations are attached at **Appendix D**.

2.9 A plan is attached at **Appendix E** showing the location of the premises.

2.10 All parties have been given notice of the hearing in accordance with Regulation 6 of The Licensing Act 2003 (Hearings) Regulations 2005 and Notice under Regulation 11(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

3 THE LICENSING ACT 2003

3.1 When determining an application, the Licensing Act 2003 requires you to have regard to the representations received from Responsible Authorities and/or Other Persons (including supporting information), statutory Guidance issued under s.182 of the Act, the authority's Licensing Policy Statement and take such of the steps as you consider necessary for the promotion of the four licensing objectives i.e.

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

3.2 The steps you may take are set out at section 2 of the Licensing Hearings – Guidance for Members, together with the statutory guidance issued under section 182 Licensing Act 2003 commencing at section 8.

4. LEGAL IMPLICATIONS ARISING FROM THE REPORT

4.1 Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.

4.2 Members are reminded that they should have read or should hear all the facts prior to making a determination.

4.3 Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and Article 10 – the right to freedom of expression.

5. WARDS AFFECTED

5.1 The premises is situated within the Whalley & Painter Wood Ward. The ward councillors are not members of this sub-committee.

6. RISK ASSESSMENT

6.1 The approval of this report may have the following implications:

- Resources – none identified.
- Technical, Environmental and Legal – the report demonstrates that there has been proper consideration of the application and the relevant guidance and representations.
- Political – none identified.
- Reputation – none identified.
- Equality & Diversity – none identified.

7. RECOMMENDED THAT COMMITTEE

7.1 Members are asked to make a determination and state the reasons for that determination.

MAIR HILL
HEAD OF LEGAL & DEMOCRATIC SERVICES

HELEN McKEE
LICENSING OFFICER

For further information please ask for Helen McKee on extension 4454.

Appendix A

Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We DANIEL STEVENSON
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
34 KING ST, WHALLEY			
Post town	CLITHEROE	Postcode	BB7 95L

Telephone number at premises (if any)	01254 823971
Non-domestic rateable value of premises	£ 9000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
i	as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
ii	as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
iii	as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
iv	other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)

c)	a recognised club	please complete section (B)
d)	a charity	please complete section (B)
e)	the proprietor of an educational establishment	please complete section (B)
f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

<input checked="" type="radio"/> Mr	<input type="radio"/> Mrs	<input type="radio"/> Miss	<input type="radio"/> Ms	Other Title (for example, Rev)
Surname STEVENSON		First names DANIEL		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality				
Current residential address if different from premises address				
Post town		Postcode		
Daytime contact telephone number				
E-mail address (optional)				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)				

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Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	11	2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE SHOP IS A MID-TERACE VICTORIAN PROPERTY, IT IS SOLELY USED AS A FISH AND CHIP SHOP WITH A CHINESE TAKEAWAY KITCHEN. THE GROUND FLOOR IS FOR BUSINESS USE AND THE FIRST FLOOR HOUSES A TOILET AND CURRENTLY UNOCCUPIED FLAT.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	
e) live music (if ticking yes, fill in box E)	
f) recorded music (if ticking yes, fill in box F)	

g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors
Day	Start	Finish		Outdoors
				Both
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	Both
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	<input checked="" type="checkbox"/>
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	16.00	22.00			
Tue	16.00	22.00			
Wed	16.00	22.00			
Thur	16.00	22.00			
Fri	16.00	22.00			
Sat	16.00	22.00			
Sun	16.00	22.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	DANIEL STEVENSON
Date of birth	
Address	
Postcode	
Personal licence number (if known)	PER 1090
Issuing licensing authority (if known)	R.V.B.C.

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	16.30	20.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	11.30	1.30	
	15.30	21.00	
Wed	11.30	1.30	
	15.30	21.00	
Thur	11.30	1.30	
	15.30	21.00	
Fri	11.30	21.00	
Sat	11.30	21.00	
Sun	17.00	21.00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WE ARE AWARE OF THE CIA IN FORCE IN WAALLEY.
WE FEEL THAT BY ONLY OFFERING ALCOHOL FOR SALE AS PART OF OUR HOME DELIVERY SERVICE, WE ARE ACTUALLY ONLY ENCOURAGING CONSUMPTION AT HOME WITH FOOD.

b) The prevention of crime and disorder

WE ONLY INTEND TO SELL ALCOHOL AS PART OF OUR HOME DELIVERY SERVICE. THEREFORE CONSUMPTION WILL TAKE PLACE AT HOME AND PREVENT CRIME AND DISORDER OCCURRING.

c) Public safety

WE WILL ENSURE OUR DELIVERY DRIVERS OPERATE WITH COMMON SENSE AND REFUSE THE SALE OF ALCOHOL IF THE CUSTOMER APPEARS INEBRIATED. A DIRECT REFUND WILL BE ISSUED.

d) The prevention of public nuisance

WE ONLY INTEND TO SELL ALCOHOL UP TO OUR LAST DELIVERY TIME SLOT OF 21.00. THEREFORE CONSUMPTION WILL TAKE PLACE SOON AFTER AT A REASONABLE TIME TO PREVENT PUBLIC NUISANCE

e) The protection of children from harm

WE WILL ENSURE OUR DELIVERY DRIVERS OPERATE A 'CHALLENGE 25' AGE POLICY. IF SUFFICIENT ID IS NOT PROVIDED, THEN SALE WILL BE REFUSED AND A REFUND ISSUED.

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Checklist:

Please tick to indicate agreement

• I have made or enclosed payment of the fee.	✓
• I have enclosed the plan of the premises.	✓
• I have sent copies of this application and the plan to responsible authorities and others where applicable.	✓
• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	✓
• I understand that I must now advertise my application.	✓
• I understand that if I do not comply with the above requirements my application will be rejected. • [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	✓

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in
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	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	20/9/23
Capacity	PROPRIETOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service.

Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Consent of individual to being specified as premises supervisor

I DANIEL STEVENSON
[full name of prospective premises supervisor]

of

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE
[type of application]

by

DANIEL STEVENSON
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for

THE PRIORY 34 KING ST, WHALLEY, BB7 9SL
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

DANIEL STEVENSON
[name of applicant]

concerning the supply of alcohol at

THE PRIORY, 34 KING ST, WHALLEY, B87 9SL
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PER 1090
[insert personal licence number, if any]

Personal licence issuing authority

RIBBLE VALLEY BOROUGH COUNCIL, CHURCH OFFICES, CHURCH WALK, CLITHFELDE B87 2
[insert name and address and telephone number of personal licence issuing authority, if any]
01200 414454

Signed

.....

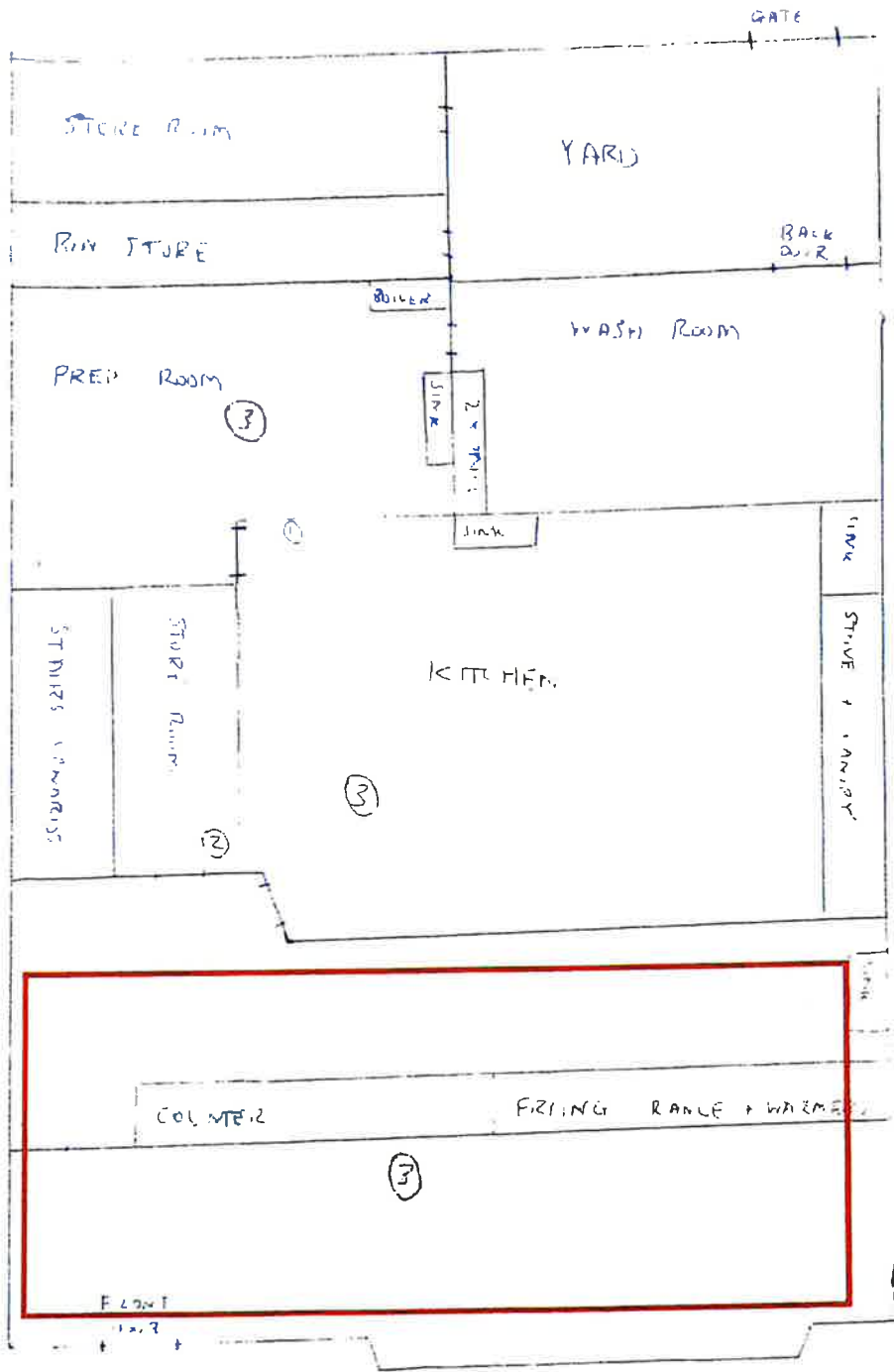
Name (please print)

DANIEL STEVENSON

Date

20/9/23

THE FIARY
 34 KING STREET
 WHALLEY
 BB7 9SL



- ① Fire extinguisher
- ② Fire extinguisher
- ③ Fire extinguisher

Appendix B

**LICENSING HEARING – 16 NOVEMBER 2023
RIBBLE VALLEY BOROUGH COUNCIL
APPLICATION FOR THE GRANT OF PREMISES LICENCE
MADE BY DANIEL STEVENSON
THE FRIARY, 34 KING STREET, WHALLEY BB7 9SL**

	Authorised by Existing Licence	Applied for
Supply of alcohol OFF the premises only:		
Mon	N/A	1600hrs-2200hrs
Tues	N/A	1600hrs-2200hrs
Wed	N/A	1600hrs-2200hrs
Thurs	N/A	1600hrs-2200hrs
Fri	N/A	1600hrs-2200hrs
Sat	N/A	1600hrs-2200hrs
Sun	N/A	1600hrs-2200hrs
Opening hours of premises:		
Mon	N/A	1630hrs-2000hrs
Tues	N/A	1130hrs-1330hrs
Wed	N/A	and
Thurs	N/A	1630hrs-2100hrs
Fri	N/A	1130hrs-2100hrs
Sat	N/A	1130hrs-2100hrs
Sun	N/A	1700hrs-2100hrs

**LICENSING HEARING – 16 NOVEMBER 2023
RIBBLE VALLEY BOROUGH COUNCIL
APPLICATION FOR THE GRANT OF PREMISES LICENCE
MADE BY DANIEL STEVENSON
THE FRIARY, 34 KING STREET, WHALLEY BB7 9SL**

CONDITIONS AGREED WITH THE POLICE

1. No alcohol will be delivered to anyone who appears under 25, unless they produce the approved ID by way of the following:
 - A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
 - Photo driving licence
 - Passport
 - Citizen card supported by the Home Office
 - Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder
2. No deliveries will be made to any street locations such as parks and will only be made to a customer's home address.
3. Delivery drivers and staff will receive online training via the Lancashire Trading Standards website.

From:

Sent: Friday, October 27, 2023 4:49 PM

To: Licensing <Licensing@ribblevalley.gov.uk>

Subject: Re: Licensing application by The Friary, 34 King Street, Whalley

 **External Email**

This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

I have seen the proposed actions suggested between Lancashire Police and the applicant. In the main they seem pragmatic and proportionate for this application when taken in isolation.

They don't address however the ongoing alcohol related issues, anti social behaviour etc that is prevalent in Whalley and the proliferation of alcohol licensed activity in the village. I am surprised that the Police, and RVBC, are considering supporting another licensed premise in Whalley taking into account the well documented issues and the results/data from the cumulative impact assessment (CIA) for Whalley. I still fail to see why a fish and chip shop/chinese takeaway needs this licence - none of the other take away premises have one or need one. If this is granted, what prevents similar applications from other venues. The granting of further alcohol premises undermines the conclusions of the RVBC's CIA.

The proposal for taxi drivers to complete an online package is fundamentally flawed unless there is a way to ensure the taxi driver's details, taxi badge number, taxi company details etc are all entered into the system and undergo some form of verification to prevent any potential misrepresentation during the online learning process.

Online learning is not an effective means of demonstrating knowledge and understanding unless there are suitable elements, knowledge checks, assessments etc written into them. The danger is that a person can merely click a

button, progress through the package and deemed to have completed the learning package without learning anything.

Additionally, if there is no formal online assessment with a reasonable "pass mark" then there is no effective measure to assess whether the learner has completed the online learning package and then demonstrated a suitable level of knowledge and understanding.

Kind regards,

On Fri, 27 Oct 2023, 11:22 Licensing, <Licensing@ribblevalley.gov.uk> wrote:

Thank you for your email dated 17 October 2023.

We have now been advised by the Police that the following conditions have been agreed following dialogue with the applicant and the Police:

1.No alcohol will be delivered to anyone who appears under 25, unless they produce the approved ID by way of the following:

- **A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)**
- **Photo driving licence**
- **Passport**
- **Citizen card supported by the Home Office**
- **Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder**

2.No deliveries will be made to any street locations such as parks and will only be made to a customer's home address.

3.Delivery drivers and staff will receive online training via the Lancashire Trading Standards website.

In light of the above, if you feel you now wish to withdraw your representation then please let us know by email.

However if you still want your representation to be included then please can we draw your attention to the information below.

As part of the licensing process all representations received are made available to the applicant to consider and will form part of reports that will be able to be viewed on our website should the application have to be determined at a hearing. Please be assured that any personal details will be redacted from any correspondence that may appear on our website.

The Licensing Act 2003 and associated guidance encourages mediation and open dialogue between applicants and persons who have submitted representations, as in some cases concerns can be addressed without the need for a formal hearing. A copy of your representation will therefore be forwarded to the applicant for their consideration. **If there is a valid reason why you do not wish a copy of your representation to be forwarded to the applicant, please could you let us know by emailing Licensing@ribblevalley.gov.uk by Monday 30 October 2023.**

As the last day for receipt of representations has passed (23 October 2023) the next step will be for us to arrange a hearing, should this be necessary. As a person who has made a representation, you would be invited to the hearing and have the opportunity to address the Sub Committee should you wish to.

In the meantime, if you require any further information on the licensing process then please don't hesitate to contact the licensing department.

Yours sincerely

H & McKee

Helen McKee

Part Time Licensing Officer (Alcohol & Entertainment)

Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA

T: 01200 414454 | E: Helen.McKee@ribblevalley.gov.uk W: www.ribblevalley.gov.uk

Work Pattern: *Wednesday pm / Thursday and Friday all day*

If you need assistance at other times, please contact my job share colleague, Catherine Moore, on the above number

From: Licensing
Sent: Thursday, October 19, 2023 2:12 PM
To:
Subject: RE: Licensing application by The Friary, 34 King Street, Whalley

Licensing Act 2003 - Application for a Premises Licence The Friary, 34 King Street, Whalley

Thank you for your email dated 17 October 2023 in respect of the above licensing application and acknowledge safe receipt.

Yours sincerely

Helen McKee

Helen McKee

Part Time Licensing Officer (Alcohol & Entertainment)

Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA

T: 01200 414454 | **E:** Helen.McKee@ribblevalley.gov.uk **W:** www.ribblevalley.gov.uk

Work Pattern: Wednesday pm / Thursday and Friday all day

if you need assistance at other times, please contact my job share colleague, Catherine Moore, on the above number

From: .
Sent: Tuesday, October 17, 2023 7:41 PM
To: Licensing <Licensing@ribblevalley.gov.uk>
Subject: Licensing application by The Friary, 34 King Street, Whalley

⚠ External Email

This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

To whom it may concern.

I wish to object to the licensing application by The Friary, 34 King Street, Whalley for them to sell alcohol for consumption of the premises.

The Cumulative Impact Assessment (CIA) commissioned by RVBC showed community concerns regarding the number of licensed premises within Whalley. There are already a significant number of licensed premises in Whalley and arguably, too many licensed premises.

The CIA report also highlighted the fact that Whalley has by far the highest levels of anti-social behaviour in the Ribble Valley with alcohol being a key issue behind the anti social behaviour. The amount of anti social behaviour committed by young persons (aged 14 -20) in Whalley is also well documented. Even The Friary has posted their experience of anti social behaviour in and around their premises on social media. I am therefore at a loss as to why they wish to contribute further to the well documented and evidenced issues that are already causing issues for local residents.

I am also at a loss as to why The Friary needs an off licence. No other take away venue in the village has such a licence. If RVBC grant a licence to The Friary, does that open the door for all of the other take aways in the village?

There are already 2 existing off licences in the village (The Spar and The Co-Op) that serve alcohol to 10pm and 10.30pm every day so I can't understand why another off licence is required. There are also several off licences in Billington, Barrow, Barrow Brook and Clitheroe (including the 24 hour garage on Whalley Road and all within a 3 mile radius. There is simply no need for another licensed premise in Whalley.

The off licence hours applied for by The Friary also exceed their opening times for food by an hour each night. It is questionable as to why there is a need for The Friary to require a licence in any event, but why the need to remain open for an hour longer each night to sell alcohol?

The Friary is staffed, in the main, by young people under the age of 18. What licensing experience and training does the applicant have and who will be the DPS for the premises should a licence be granted? What training and safeguarding measures will be provided for the young staff who work at The Friary? Serving alcohol and it's associated legal, social and moral responsibilities are significant and need to be implemented by experienced and trained staff over the age of 18.

The application says that alcohol is "intended to be part of the home delivery service". There are significant risks with this proposal. As a licensee/DPS how will licensing legislation be implemented? The proposal is for taxi drivers to take the food and alcohol to an address and then to undertake the relevant proof of age checks at the address. I would suggest that this application is both weak and flawed. This delivery proposal of both food and alcohol is open to abuse. It is highly unlikely that taxi drivers/delivery drivers will conduct the relevant checks to fully verify names and ages of people receiving the alcohol.

It is also concerning that the application refers to "our intention" which suggests that there may be subsequent applications or variances requested in the future. The hours specified in the main body of the application are at variance to what is later written in the document. The application is therefore contradictory and unclear.

There are also well evidenced and documented issues and ongoing complaints within Whalley regarding noise nuisance from local licensed premises, alcohol related anti social behaviour that continues to increase, alcohol related disorder etc so having an additional venue selling alcohol every day will not assist in those problems. These alcohol related issues, along with domestic violence, also occur within homes. Couriering alcohol along with food is not a concept that puts safeguarding at the forefront of the application. There is no reference to what limits would be placed on how much alcohol can be ordered alongside food.

The CIA commissioned by RVBC accepts that there are already too many licensed premises within the village and that levels of violent crime and anti social behaviour are the highest in the Ribble Valley.

The council should be seeking to effectively deal with the existing alcohol related issues and breaches of licensing/environmental health legislation by licensed premises as opposed to granting further licences.

Should RVBC decide to grant a licence to The Friary then I would request that conditions are set i.e. alcohol can only be served to people ordering and paying for a meal as opposed to being another off licence and only during their existing and well advertised opening hours for the serving of food.

Additionally, all couriers/taxi drivers used by The Friary to deliver alcohol and food must receive some form of training regarding providing alcohol to persons over the age of 18 and not to persons who are not intoxicated and for formal documentation to be retained by The Friary.

Yours Sincerely,

From:
Sent: 23 October 2023 08:34
To: Licensing
Subject: Licence Application200293

⚠ External Email

This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

Dear Licensing Officer,

I am writing to oppose the above application, from The Friary at 34 King Street in Whalley. Daniel Stevenson, the applicant says that this is intended to allow the sale of alcohol off the premises in relation to his home delivery service, and that this last delivery would be at 9 pm.

He has asked for the license to apply from 4 pm till 10 pm every day of the week. Unless it is made a condition of the license that it can only apply to the home delivery service, it would be surprising if it was not also used to extend, officially or otherwise to shop sales in the evenings, once customers became aware that Mr. Stevenson had a license to sell alcohol from 4pm to 10 pm, which then becomes a full license to sell alcohol every day from 4 till 10 pm. He could also change his working hours and move to those on his application, a regular 4pm till 10 pm.

The applicant says that his home delivery staff would not allow a sale of alcohol to go through if the customer appears to be inebriated. That is a vague unhelpful term and it will be difficult for home delivery staff to refuse a customer when they are out alone on the doorstep of such a customer.

Whalley residents are already well supplied with shops such as the Coop, the wine shop, and Spar where it is possible to buy alcohol. In the past it has always been possible for license hours to be extended once premises have a license eg: The Aviary, previously Brady's and before that the local Conservative club. Rios now ALTA have also had their hours extended.

In the future if the Friary decides to extend its opening hours and requests extended hours for the license it is unlikely that the council will be able to oppose this request due in part to the cost of litigation and the lack of finance available to the local authority.

Please refuse this license application. It is not thought through and could lead to yet another premises with a license, to the detriment of the residents of Whalley.

