

<b>Minutes of</b>	<b>Licensing Act 2003 Sub-Committee</b>
<b>Meeting date</b>	<b>Wednesday, 5 April 2023</b>
<b>Committee Members present:</b>	Councillor Matthew Lynch (Chair), Councillor Terry Howarth and Councillor Jean Sherwood
<b>Other attendees:</b>	Kris Dawber – Escape Bars Limited (applicant) Andrew Howarth – Designated Premises Supervisor
<b>Officers:</b>	Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Clare Gornall (Democratic and Member Services Officer)

A video recording of the public session of this meeting is available to view on [YouTube here](#)

#### **20.4 Declarations of Any Interests**

There were none.

#### **20.5 Procedure**

The Chair outlined the procedure to be followed at the meeting.

#### **20.6 Determination of Application to Vary a Premises Licence- Inn the Doghouse, 20 Church Street, Adlington**

The Chief Executive submitted a report for the Licensing Act 2003 Sub-Committee advising members of an application to vary a premises licence in respect of Inn the Doghouse, 20 Church Street, Adlington, regarding which, relevant representations had been received.

The applicant, Escape Bars Ltd, represented by Kris Dawber and the designated premises supervisor, Andrew Howarth, were in attendance.

Mr Nathan Howson, Enforcement Team leader (Licensing) was in attendance.

##### Presentation of the Report

Mr Nathan Howson, Enforcement Team leader (Licensing) presented the committee report which gave details of an application received on 14.2.2023 to vary a premises licence in respect of Inn the Doghouse, 20 Church Street, Adlington. The premises was first licensed in May 2018 under the name JR's Ale House.

Following this, and in September 2022, the premises licence was transferred and the DPS varied into the current holders, with the name changing to Inn the Doghouse.

The application sought to vary the premises licence as follows:

- a) Extend the opening hours of the premises by 1.5hrs, Mon- Sun, 10:00- 23:30hrs,
- b) Extend the permitted hours for the sale of alcohol by 1hr, Mon- Sun, 10:00- 23:00hrs,
- c) The addition of the sale of alcohol for consumption off the premises (the licence already authorises the sale for consumption on the premises),
- d) Variation of the plans of the premises to incorporate minor amendments, and
- e) Remove the following outdated and/or unenforceable conditions:
  - *No drunk or disorderly behaviour on the premises.*
  - *No violence or anti-social behaviour.*
  - *No harm to children.*
  - *Opening times displayed for licensable activity.*
  - *All staff areas will be secured.*
  - *A heating and air conditioning system will be in place.*
  - *Smoking will be allowed to the front of the premises.*
  - *A noise management policy will be in place.*

The report indicated that a representation was received on 27.2.23. A copy of the representation was appended at Appendix 4 to the report and was concerned with the Prevention of Public Nuisance objective.

On 13.03.23, a further representation was received. A copy of the representation was appended at Appendix 5 and was concerned with both the Prevention of Public Nuisance and the Prevention of Crime and Disorder objectives.

Mr Howson informed the Sub Committee that although the parties who had submitted written representations objecting to the application were not in attendance, the Sub Committee must give due consideration to those representations.

The report stated although Lancashire Constabulary did not make a representation, negotiations were carried out with the premises licence holder which resulted in the agreement for additional conditions to be imposed on the licence. A copy of these conditions was appended at Appendix 6.

The report further stated that no other representations were received from the other responsible authorities.

During questions from the Sub Committee, Mr Howson confirmed that no complaints had been received by the Council's Licensing Team in respect of the premises prior to the written representations made to the current application to vary the premises licence.

There were no questions to Mr Howson from the applicant.

#### Representations made by the applicant

Mr Howarth and Mr Dawber made the following representations to the Sub Committee in support of their application:

- Escape Bars Ltd were looking to expand the business, and hoped to attract clients from nearby venues
- They have invested in improving the venue e.g. new insulated roof, windows to reduce noise
- There has been no incidents since the current licence holder has taken over the premises
- With regard to the incident referred to in the resident objection letter regarding human faeces, the applicant stated that they had not been made aware of this and it could easily have been a person walking past rather than a customer.
- With regard to discarded cigarettes, there is a cigarette bin outside which was cleaned every day. Again, this could have been persons passing by rather than customers.
- With regard to noise from car doors, the applicant stated that the premises was situated in a small village with no onsite parking, and therefore 95% of customers were on foot.

The Sub-Committee then put questions Mr Howarth and Mr Dawber. Their responses were as follows:

- The premises' busiest days were Friday and Saturday
- The venues nearby were The Retreat (open until midnight) and Spinners (open until 1am).
- With regard to capacity, the premises had 39 seats
- The new front door was PVC and soft close, to reduce noise
- The busiest times were between 5 and 7pm, generally there was a gradual egress from the premises, no mass exodus at closing time
- There was 1 WC in the premises – mixed use.
- As per the conditions agreed with the police, colour CCTV covered inside and all around the surrounding areas of the building.
- As per the conditions agreed with the police, staff would carry out hourly toilet checks and deal with any incident as necessary
- With regard to consuming alcohol outside the property, there is a patio area, there is only 1 regular customer who smokes. A table and chairs may be placed in the area in summer, not all year round. The steps up to the building are restricted, it is a small area and it is difficult to throw a cigarette on to an adjoining property due to a 4/5 " high wall.

### Summing up

The applicant was invited to sum up / make any final statements. In conclusion, Mr Howarth and Mr Dawber stated that they did not intend to utilise all the opening hours applied for, it would likely just be weekends rather than closing at 11pm during the week. They reiterated that improvements had been made to the premises to reduce noise, such as a new front door and windows, and newly installed CCTV.

Mr Howarth and Mr Dawber, of Escape Bars Ltd and Mr Howson, Enforcement Team Leader (Licensing) left the meeting while the Sub-Committee considered its decision in private.

## **Resolved:-**

After careful consideration, the Sub Committee resolved to grant the variation in its entirety and to modify the conditions of the licence by imposing the following conditions which had been agreed by the applicant and Lancashire Constabulary, as it considered these conditions to be appropriate for the promotion of the licensing objectives:

1. The premises shall operate and maintain a digital CCTV system which shall be in use whenever the premises are open.
  - a) The system shall cover all entrances and exits from the premises, in addition to providing recordings from all internal and external areas of the premises used to supply or consume licensed products.
  - b) The focus of the camera(s) shall be to enable clear identification of persons on the premises
  - c) The recordings shall be correctly time and date stamped and shall be retained for a minimum of 28 days.
  - d) The Data Controller shall make footage available for viewing and downloading to a Police Officer whenever such a request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.
  - e) Signage advising that CCTV is in operation shall be displayed.
2. All staff in a position to sell, serve or deliver alcohol shall receive training. The training shall include but need not be limited to serving alcohol to young persons, serving alcohol to persons who are drunk, allowing disorderly conduct on licensed premises, Challenge 25, and Drug Awareness. The Designated Premises Supervisor (DPS) or Premises Licence Holder (PLH) shall conduct annual training reviews with all members of staff authorised to sell, serve, or deliver alcohol. The purpose of the training is to ensure that all staff have an up to date understanding of what their role and responsibilities are whilst working in a Licensed Premises and to promote best practice. A written record shall be kept of the content of such training. The training records shall be available for inspection by a Police Officer upon request. There shall be a written Authority to Sell, to identify staff members authorised by the DPS to supply alcohol.
3. A documented Challenge 25 Scheme with an Age Verification Policy shall be operated at the premise. The Challenge 25 Scheme will be actively promoted and advertised, and suitable signage will be in place. Any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or older. Failure to supply such identification will result in No Sale or Supply of alcohol to that person and the refusal shall be recorded in the Premises Logbook.

Acceptable forms of identification: -

  - (a) Photo driving licence
  - (b) Passport
  - (c) National Identity Cards (including EU)
  - (d) A PASS accredited holographic proof of age card
  - a) A premises logbook shall be maintained and retained at the premises and will be used to record the time, date, and comprehensive details of: -

- a. Any incident of crime & disorder – detailing the nature of the incident and the person recording it, the outcome or action taken and a Police log number if appropriate.
- b. Any challenge made regarding the sale of alcohol including whether the sale went ahead or not & why, description of person and name of staff member completing the challenge.
- c. Any proactive steps taken by the premises to ensure premises complies with the Licensing Objectives (examples could include but are not limited to turned down music after a certain hour, closed windows, cleaned up broken glass, asked customer to leave the premises etc.)

Entries should be completed as soon as possible, and in all cases, no later than the close of business on the day of the incident.

The written record shall be available for inspection by a Police Officer on request.

4. The DPS or Premises Licence Holder will undertake a written general risk assessment to consider whether Door Supervisors are required at the premises in order to promote the licensing objectives. This assessment shall consider any local or national events (Bank holidays, seasonal demand, freshers' week etc.), sporting events and any other days which the DPS or Premises Licence Holder expects the venue to be busy or to open beyond 2100. Whenever a risk assessment identifies that door supervisors are required, an appropriate number of door supervisors will be utilised in accordance with said risk assessment. The written risk assessment is to be retained for one year and made available for inspection by a Police Officer upon request.
5. Any sales of alcohol made for consumption off the premise will be made in a sealed container.
6. The DPS or in their absence a nominated staff member shall undertake inspection of toilets regularly, with a minimum of one per hour completed whenever any licensable activities are taking place. Inspections shall be recorded and made available to a Police Officer upon request.

The reasons for this decision are as follows:

1. The additional conditions promote the licensing objectives and are acceptable to the police
2. No responsible authorities had made representations
3. No residents attended sub-committee to amplify their representations so there was nothing more put before members to persuade them not to grant the application. However members were satisfied that the additional conditions would mitigate the risk of the nuisance behaviour subject of residents' complaints.
4. The premises had installed a soft close PVC door which showed a commitment to mitigating noise.
5. The variation will result in a difference between the terminal hours for sale of alcohol and closing time which will aid a gradual dispersal of customers.
6. The Enforcement Team Leader (Licensing) confirmed that there had been no history of complaints against the premises.
7. The conditions to be deleted were outdated and unenforceable and served no purpose.

The premises licence holder may appeal to the magistrates' court within 21 days of notice of this decision.

Councillor Matthew Lynch  
Chair of the Licensing Act 2003 Sub-Committee

Chair

Date