

# Statutory Licensing Sub-Committee A

**Tuesday, 13 June 2006**

**Present:** Councillor (Chair), Councillors Anthony Gee and Doreen Dickinson

**Also in attendance as observers :** Councillors K Iddon and H Khan

## **06.SLA.03 DECLARATIONS OF ANY INTERESTS**

None of the Members present declared an interest in respect of the item included on the agenda.

## **06.SLA.04 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE LEY INN, BACK LANE, CLAYTON - LE - WOODS**

The Chief Executive submitted a report requesting the Sub-Committee to determine an application to vary a premises licence in respect of The Ley Inn, Back Lane, Clayton-le-Woods.

A copy of the current premises licence was attached to the report on the following licensable activities and at the times set out below.

### 1. Licensable Activities

#### i) Exhibition of films - Indoors (b)

11.00 - 00.00 Sunday to Thursday

11.00 - 01.00 Friday and Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday

Weekends, up to 12 'even days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 - 01.00

#### ii) Indoor sporting event (c)

11.00 - 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday.

Weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 - 01.00

#### iii) Performance of live music - Indoors (e)

11.00 - 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday

Weekends, up to 12 'event days' per year provided seven notice is given to the Police and Licensing Authority 11.00 - 01.00

iv) Playing of recorded music - Indoors (f)

11.00 - 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday

Weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 - 01.00.

v) Performance of Dance - Indoors (g)

11.00 - 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday

Weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 - 01.00

vi) Provision of facilities for making music - Indoors (I)

11.00 - 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday.

Weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 - 01.00

vii) Provision of facilities for dancing - Indoors (J)

11.00 - 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

Non-Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday.

Weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 - 01.00

viii) Late night refreshment - Indoors (L)

23.00 - 00.00 Sunday to Thursday

23.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday.

Weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 - 01.00

- ix) The sale by retail of alcohol for consumption on and off the premises (M)

11.00 - 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday.

Weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 - 01.00

New Years Eve permitted from 10.00am until terminal hour New Years Day.

2. The opening hours of the premises (O)

11.00 - 00.30 Sunday to Thursday

11.00 - 01.30 Friday and Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 01.30

New Years Eve permitted from 10.00am until terminal hour New Years Day.

A number of Mandatory Conditions and Conditions consistent with the operating schedule were placed on the license as well as the under mentioned conditions.

**ANNEX 3 - Conditions attached after a hearing by the Licensing Authority - November 2005**

1. No outside areas designed for consumption of alcohol shall be used after 22.00 hours.
2. All doors and windows to be kept closed when regulated entertainment and/or provision of entertainment facilities for making music and dancing is taking place except in the event of an emergency.
3. The Licensee shall ensure that notices requesting customers to leave in a quiet and orderly manner are displayed and maintained at the exits to the premises and in the car park.
4. A personal licence holder shall be on the premises during the hours which intoxicating liquor is being sold, supplied or consumed by customers except in the case of an emergency.
5. The Licensee shall ensure that all emergency exit doors are fitted with suitable devices to indicate any unauthorised opening.
6. The Licensee shall give the police and the licensing authority seven days notice in writing of the twelve non-standard timings. Whilst not a condition of the licence we would strongly recommend that a sign be placed in a prominent

position in the children's play area to the effect that children should be supervised at all times.

7. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of checks, the person making them and the results including any remedial action.

The application to vary in summary is to conduct the following licensable activities and at the time set out below.

- a) We wish to remove condition (1) of Annex 3 of the Premises Licence, being a condition which limits the use of outside areas designed for consumption of alcohol after 22.00. We would wish for this part of the premises to be available for use during the hours the premises are open to the public.

Additional steps to be taken to promote licensing objectives as a result of the proposed variation.

The Authority had received two objections, from the Police and Environmental Services as well as 4 representations from interested parties to the application to vary, relevant to the prevention of public nuisance and prevention of crime and disorder.

Representations from the above were received at the meeting.

After taking account of all representation and related factors, the Sub-Committee arrived at the following unanimous **DECISION**:

The Licensing Sub-Committee have considered carefully the applicants representations and the interested parties representations.

We have considered the guidance issued under Section 182 of the Act together with Council's Statement of Licensing Policy in particular those paragraphs referred to in the report.

Whilst the Committee took account of the interested parties representations on disturbance they have suffered and on potential future disturbance they may suffer, the Committee also took account that there have been representations from Environmental Health and from the Lancashire Police.

The Committee are of the view that the licensing objective of preventing public nuisance will not be achieved if customers from a premises regularly conduct themselves in an anti-social manner to the detriment of local residents.

The Committee recognised that the applicant has offered up conditions to minimise the impact of licensable activities. The Committee are also aware that the consumption of alcohol is not a licensable activity. The Committee is also mindful of the interested parties residential amenity and has to achieve a balanced approach to these difficult issues.

The Committee also considered Human Rights Act implications in Article 8 and Article 1 of the First Protocol. These are not absolute rights but qualified ones and in reaching this decision the Committee has considered the proportionality principle.

The Committee also took note of the representations received from Environmental Health in relation to the position with regard to a statutory nuisance and the defence available in these particular areas.

In considering all the above factors the Committee balancing the interests of the interested parties and the applicant has resolved to remove the current Condition (1) of Annex 3 and to impose the following Conditions instead:

1. Acoustic fencing be erected at the premises in the location shown on the plan marked Plan 1 to the satisfaction of the Environmental Health Officer.
2. Conditional on the acoustic fencing being erected in accordance with the above condition the outside drinking area shall cease to be used at 23.00 hours.

The Committee are of the view that the acoustic fencing will improve residential amenity as outlined by the Environmental Health Officer.

The Committee acknowledges that the Licensee has imposed strict controls in relation to the children's play area and hopes that the restriction of use will continue.

Chair