

Statutory Licensing Sub-Committee A

Tuesday, 3 April 2007

Present: Councillor Mrs Iris Smith (Chair), Councillors Thomas Bedford and Ralph Snape

Also in attendance at the commencement of the meeting: Councillor David Dickinson

07.SLA.03 DECLARATIONS OF ANY INTERESTS

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

07.SLA.04 APPLICATION FOR A REVIEW OF A LICENCE IN RESPECT OF THE QUEENS, 52 CHAPEL STREET, CHORLEY PR7 1BS LICENCE NO PL(A)0286

The Director of Customer, Democratic and Legal Services submitted a report on an application for a review of a licence in respect of the premises known as The Queens, 52 Chapel Street, Chorley.

The report indicated information relating to the current premises licence.

On 9 February 2007 an application for a review of the premises licence for The Queens was received from an interested party and the report set out the grounds for review.

On 14 February 2007 an application for review of the premises licence was received from the Council's Environmental Services Unit over the report set out the grounds for review.

A history of residents complaints regarding amplified music from the premises and an Abatement Notice was served on 8 September 2006 after which complaints continued to be received.

Complaints continued, and in January 2007 the Council's Environmental Services re-installed a noise recorder in the complainant's property to try and collect evidence of excessively loud music amounting to a statutory nuisance. On the 23 January 2007 another Abatement Notice was served on the new designated premises supervisor.

The Council's noise recording equipment was re-installed over the weekend of 2, 3 and 4 February 2007 and further evidence was obtained of excessively loud music this time in breach of the Noise Abatement Notice served on the 23 January 2007.

Representations from the Dynamic Pub Company (Premises Licence Holder) and the current designed premises supervisor attended the meeting putting forward representations and providing explanations.

The Council's Officers from Environmental Services attended the meeting submitting the evidence that had been compiled from the noise recorder that had been installed in the complainants property. The complainant (interested party) also attended the meeting.

The Sub-Committee raised a number of issues with the Premises Licence Holder and the interested party and after taking account of all representations and related factors the Sub-Committee arrived at the following unanimous **DECISION:**

The Licensing Sub-Committee considered carefully the written and verbal representations submitted made by and on behalf of the applicants, Mr Desai and Environmental Services, and the Premises Licence Holder and Designated Premises Supervisor.

The Committee is aware of its obligations under the Licensing Act 2003 and in particular the guidance issued under Section 182 of the Act together with the Council's Statement of Licensing Policy.

We have considered the powers of a licensing authority on the determination of a review under Section 182 paragraphs 5.107, 5.108, 5.109, 5.110 and 5.111.

The Committee are mindful that it has to achieve a balanced approach to those difficult issues it has heard throughout the review.

The Committee heard evidence from Mr Desai, Ms Briggs and Mr Oakley concerning noise levels emanating from the premises. The Committee considered that Mr Desai had been subjected to an unacceptable level of noise and noted that the Environmental Services had issued to Mrs Brannelly an Abatement Notice under the Environmental Protection Act 1990 on the 23rd January 2007.

The Committee also took into account the representations from the Dynamic Pub Company and acknowledged that the company had, since the Abatement Notice was served put various steps into action to try and resolve the concerns subject of the review.

The Committee considers that action under its statutory powers are necessary and accordingly has amended the premises licence.

This remedial action is directed at the causes of the concerns which the Committee has heard throughout the review and are no more than is necessary and proportionate. The Committee also considered the human rights implications, in particular Article 8 and Article 1 of the First Protocol and the proportionality principles.

In considering all the above factors the Committee in balancing the interests of all parties resolved that the times authorising licensable activities be as follows:

- b) Exhibition of films indoors - unchanged
- c) Indoor Sporting event - unchanged
- e) Performance of live music (indoors) – 1000 hours to 2315 hours
- f) Playing of recorded music indoors – 1000 hours to 2315 hours
- g) Performance of dance indoors – 1000 hours to 2315 hours
- h) Entertainment of a similar description to e, f or g indoors – 1000 hours to 2315 hours
- i) Provision of facilities for making music indoors – 1000 hours to 2315 hours
- j) Provision of facilities for dancing indoors - 1000 hours to 2315 hours
- l) Late night refreshments – unchanged
- m) The sale or retail of alcohol on and off the premises – unchanged

Annex 1 mandatory conditions – unchanged

Annex 2 paragraph d prevention of public nuisance – all music levels to be reduced from midnight to a lower level and slower tempo – deleted
Windows to be closed as required to reduce noise levels – deleted
Music zoned from behind the bar to control levels – deleted

Annex 3

Paragraph 4 – all live amplified music to cease by 2330 hours - deleted

Paragraph 5 – all recorded music to be played at background level from 0000 hours onwards deleted

In considering all the above factors the Committee in balancing the interests of all parties resolved that the following additional conditions are to stand in the schedule:

1. All internal lobby doors to be fitted with self closers.
2. Within 3 months any amplified sound must be connected to a noise limiter or cut out device of a type and with settings approved by Environmental Services and be used at all times during entertainment. Officers from the Environmental Services Unit reserve the right to check the settings on the noise limiter at any reasonable time.
3. 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 the checks, the person making them and the results, including any remedial action.
4. The Licensee shall ensure that the noise limiting or cut out device is not tampered with, by-passed or adjusted in any manner without the consent of the Environmental Services Unit.
5. The Licensee shall ensure that the noise limiter or cut out device is working at all times and will not hold regulated entertainment in the event that the noise limiter or cut out device ceases to work.
6. The Licensee shall ensure that the area immediately surrounding the premises shall be cleared of glasses and bottles at the end of licensable activities each day. The Licensee holders should ensure the area immediately surrounding the premises shall be kept clear of broken glass.
7. For the avoidance of any doubt the speaker outside the premises shall be removed and no further outside speakers erected on the premises at any time.
8. The fire doors at the rear of the premises shall not be used for access and egress unless in the event of an emergency.
9. Whenever a designated premises supervisor is not at the premises another individual must be nominated as being the responsible person nominated by the designated premises supervisor to manage the premises and they must have the contact details of the designated premises supervisor.

Chair