

Statutory Licensing Sub-Committee A

Wednesday, 23 May 2007

Present: Councillor Iris Smith (Chair), Councillors Ralph Snape and Mrs Stella Walsh

Also in attendance: Councillor Mrs Doreen Dickinson

07.SLA.05 DECLARATIONS OF ANY INTERESTS

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

07.SLA.06 LICENSING ACT 2003 (PREMISES AND PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY A PREMISES LICENSE IN RESPECT OF THE SPINNERS ARMS, 23 CHURCH STREET, ADLINGTON, LICENCE NUMBER PL (A) 0234

The Director of Customer, Democratic and Legal Services submitted a report on an application to vary a premises licence in respect of The Spinners Arms, 23 Church Street, Adlington, Chorley.

The report indicated information relating to the current premises licensed which was set out in full in Appendix 1 in the submitted report.

Attached to the report was a copy of the application and in summary how the applicant wished to conduct the following licensable activities and at the times set out below.

- i) To allow the provision of regulated entertainment at the times set out below (e).

12.00 - 23.00 Monday to Thursday
12.00 - 01.00 Friday and Saturday
12.00 - 22.30 Sunday

Non Standard Timings.

Occasional use only with licensed times.

- ii) To allow the provision of recorded music indoors at the times set out below (f).

12.00 - 23.30 Monday to Thursday
12.00 - 01.30 Friday to Saturday
12.00 - 23.00 Sunday

Non Standard Timings.

None Stated.

- iii) To allow the provision of late night refreshment at the times set out below (i).

23.00 - 01.00 Friday and Saturday

Non Standard Timings.

23.00 -01.00 Christmas Eve and New Years Eve

Proposed Changes to Times and Days.

To alter the times for the sale of alcohol for consumption on and off the premises as detailed below.

To change the start time from 11.00 to 12.00 on every day and to change the finish times on Fridays and Saturdays from 23.00 to 01.00.

Non Standard Timings

To change the finish times on Christmas Eve and New Year Eve from 23.00 to 01.00.

To alter the times that the premises are open to the public (o)

To open at 12.00 every day and finish at 23.30 Monday to Thursday 01.30 Friday and Saturday 23.00 on Sunday.

The report set out the additional steps to be taken to promote the licensing objectives as a result of the proposed Variation.

Two representations were received from interested parties to the application to vary, relevant to the Licensing Objectives of Prevention of Public Nuisance, the Prevention of Crime and Disorder and Public Safety.

All representations were contained in full within the report.

Representations were received from the Environmental Health Officer recommending that all windows and doors to remain shut during periods of regulated entertainment, other than for ingress and egress from the premises and this was agreed by the applicant.

The Police has initially made representation regarding their concerns that the latest time for any Live Music should be midnight, other than the two public holidays requested to prevent Crime and Disorder, Public Nuisance and the Protection of Children from Harm (noise). The Police also felt recorded music could continue until the times requested but at a reduced volume after midnight other than the two public holidays when it can continue until closing time. The Police also made representation about the windows and doors to be kept closed during amplified entertainment. All these representations were withdrawn following the agreement of the licensee to make the necessary amendments to the license.

The Sub-Committee raised a number of issues with the applicant and considered all the written and verbal evidence in the interest of the provision of the Councils adopted Statement of Licensing Policy and Government guidelines. After taking account of all representations from the applicant and the interested parties written representation, the Sub-Committee arrived at the following unanimous **DECISION**.

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 written representations on potential 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 future 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 who have recorded no complaints emanating from the premises.

In considering all the above factors the Committee balancing the interests of the interested parties and the applicant has resolved to grant the application as applied for with the exception of regulated entertainment:

Live Music Indoors

Monday to Thursday
12.00 – 22.30 hrs

Friday and Saturday
12.00 to 00.00 hrs

Sunday
12.00 to 23.00 hrs

Two Public Holidays, Christmas Eve and New Years Eve

12.00 to 01.00 hrs

Recorded Music

Monday to Thursday

12.00 to 23.30 hrs

Friday to Saturday

12.00 to 01.30 hrs

Sunday

12.00 to 23.00 hrs

Music to be played at reduced background level after 00.00 hrs save for the two specified public holidays.

Alcohol

Monday to Thursday

12.00 to 23.00 hrs

Friday and Saturday

12.00 to 01.00 hrs

Sunday

12.00 to 22.30 hrs

Christmas Eve and New Years Eve

12.00 to 01.00 hrs

Opening Hours

Monday to Thursday

12.00 to 23.30 hrs

Friday and Saturday

12.00 to 01.30 hrs

Sunday

12.00 to 23.00 hrs

Late Night Refreshment

Friday and Saturday

23.00 to 01.00 hrs

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

i) General

Instruct staff to be vigilant at all times. Aware of what is happening on the premises and outline what to do if a situation should arise.

ii) Prevention of crime and disorder

As in i). The bar area will not be left unattended. All the unused stock will be stored appropriately.

iii) Public Safety

Staff will be instructed to use their judgement when serving customers.

iv) There shall be placed at all exits, car park and any outside area used for consumption of alcohol notices requesting customers to leave in a quiet and orderly manner, such notices to be maintained in place.

v) Any outside area which is used for the consumption of alcohol shall cease to be used after 22.00 at all times.

vi) All windows and doors to be kept closed during periods of regulated entertainment save for egress and ingress.

- vii) The Licensee shall ensure that all bottles and glasses are cleared from the area designated for consumption of alcohol at regular intervals and particularly at end of period of licensable activities.

Chair