

# Statutory Licensing Sub-Committee A

Thursday, 31 May 2007

**Present:** Councillor Iris Smith (Chair), Councillors Mrs Doreen Dickinson and Margaret Iddon

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

## 07.SLA.07 DECLARATIONS OF ANY INTERESTS

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

## 07.SLA.08 LICENSING ACT 2003 (PREMISES AND PREMISES CERTIFICATE) REGULATIONS - APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE BROOK HOUSE HOTEL, 662 PRESTON ROAD, CLAYTON-LE-WOODS, CHORLEY NUMBER PL (A) 0055

The Director of Customer, Democratic and Legal Services submitted a report on an applicant to vary a premises license in respect of The Brook House Hotel, 662 Preston Road, Clayton-le-Woods, Chorley.

The report indicated information relating to the current premises license and set out in Appendix 1 of the submitted report was a summary of the existing licensable activities and times.

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

There are no proposed new licensable activities. The variation is to incorporate an addition to the lounge bar of an extension in the south-easterly direction to include both a new conservatory and outside patio area. In relation to the conservatory, the hours are to remain the same namely.

Supply of alcohol (m)

11.00 to 00.00 Monday to Thursday  
11.00 to 01.00 Friday to Saturday  
11.00 to 00.00 Sunday

Non Standard Timings: None

In relation to the outside patio area, the hours are to be.

11.00 to 23.00 Monday to Sunday.

No music, no performances, no other entertainment will take place outside the property other than the sale of food and alcohol.

There are no proposed changes to times and days. The variation is to incorporate an addition to the lounge bar of an extension in the south-easterly direction to include both a new conservatory and outside patio area. In relation to the patio area the hours requested are:

11.00 to 23.00 Monday to Sunday.

There are no proposed changes to the hours the premises are open to the public, which are currently.

Non-residents.

11.00 to 01.00 Monday to Thursday  
11.00 to 02.00 Friday to Saturday  
11.00 to 01.00 Sunday

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

The Police as responsible authorities made representation with regards to the four Licensing Objectives. They felt that there should be background music only in the new conservatory, and that the doors and windows should be closed at 23.00 hours. There should be no music outside and the latest time for the use of the new patio area outside the conservatory should be no later than 23.00 hours.

The Police recommended a condition stating 'No music from amplified entertainment to be heard at the nearest noise sensitive location.'

The report indicated that the applicant had confirmed in a letter dated 15 May 2007, that they would agree to the requirements of the Police and a new plan was submitted.

Two representations from interested parties into the applicant to vary was submitted along with a petition received opposing the variation signed by 11 residents, two of which had also written a separate joint letter. All representations were contained in full in the report.

The Sub-Committee received at the meeting representations from the applicant as well as the neighbours living next door to the premises.

The Sub-Committee raised a number of issues with the applicant and the individual parties and considered all the written and verbal evidence in the interests of the provisions of the Councils adopted Statement of Licensing Policy and Government Guidelines.

After careful consideration of the applicants written and verbal representation and the individual parties verbal and written representation for this application to vary a premises license, the Sub-Committee arrived at the following unanimous **DECISION**.

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

The Sub-Committee took account of the interested parties representations on disturbance they may have suffered.

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

The Sub-Committee recognises that the applicant has offered up conditions to minimise the impact of licensable activities. The Sub-Committee is also mindful of the interested parties residential amenity and has to achieve a balanced approach to these difficult issues.

The Sub-Committee also considered Human Rights Act implications in particular 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.

In considering the above factors the Sub-Committee balancing the interests of the interested parties and the applicant has resolved to grant the application as sought subject to the following additional conditions.

1. The patio area to the premises shall be used by customers of the Brasserie only.
2. The Licensee shall ensure that all staff are properly trained and aware that the patio area shall only be used by customers of the Brasserie.
3. The Licensee shall ensure that the outside lights serving the patio shall be switched off at 23.00 hours each evening.
4. The patio area shall not be used after 23.00 hours at any time and a sign shall be erected stating that the area is not in use. For the avoidance of doubt this includes hotel residents as well as Brasserie customers.
5. The Licensee shall ensure that the layout of tables in the patio area is designed as far as reasonably possible to mitigate any disturbance emanating from that area.
6. The Licensee shall ensure that furniture used in the patio area be designed or adapted to minimise disturbance.
7. There shall be placed at all exits in the 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.
8. Background music shall only be played in the conservatory and the doors and windows to that area to be closed at 23.00 hours with no music to be played in any outside area at any time.
9. No music from amplified entertainment to be heard at the nearest noise sensitive location".

Chair  
Councillor Mrs Iris smith