

Statutory Licensing Sub-Committee A

Tuesday, 28 August 2007

Present: Councillor Iris Smith (Chair), Councillors Keith Iddon and Ralph Snape

07.SLA.17 DECLARATIONS OF ANY INTERESTS

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

07.SLA.18 LICENSING ACT 2003 (PREMISES AND PREMISES CERTIFICATE) REGULATIONS - APPLICATION FOR A PREMISES LICENCE IN RESPECT OF CAFE RENDEZVOUS, 24 TOWN ROAD, CROSTON.

The Director of Customer, Democratic and Legal Services submitted a report on an application for a new premises licence in respect of premises known as Café Rendezvous, 24 Town Road, Croston.

Consideration of the application was adjourned on 15 August 2007 when the Committee concluded that insufficient notice had been given to allow for objections from interested parties.

The report indicated that the application requested the licensable activities to be as follows:

- i) Films (B)
Monday to Sunday 09:00 to 23:00
Plus an additional hour until midnight on public holidays and 12 special events per year with approval from local police and licensing authority
- ii) Live music (E)
Monday to Sunday 09:00 to 23:00
Plus an additional hour until midnight on public holidays and 12 special events per year with approval from local police and licensing authority
- iii) Recorded music (F)
Monday to Sunday 09:00 to 23:00
Plus an additional hour until midnight on public holidays and 12 special events per year with approval from local police and licensing authority
- iv) Performances of dance (G)
Monday to Sunday 09:00 to 23:00
- v) Anything of a similar description to that falling within (e), (f) or (g), (h)
Monday to Sunday 09:00 to 23:00
- vi) Provision of facilities for making music (I)
Monday to Sunday 09:00 to 23:00
Plus an additional hour until midnight on public holidays and 12 special events per year with approval from local police and licensing authority
- vii) Provision of facilities for dancing (J)
Monday to Sunday 09:00 to 23:00

Plus an additional hour until midnight on public holidays and 12 special events per year with approval from local police and licensing authority

- viii) Provision of facilities for entertainment of a similar description to that falling within I or J (K)
Monday to Sunday 09:00 to 23:00

- ix) Late night refreshment (L)
(NB The provision of late night refreshment does not need a Premises Licence unless the provision is after 11pm)

Plus an additional hour until midnight on public holidays and 12 special events per year with approval from local police and licensing authority

- x) Supply of alcohol (M)
Monday to Sunday 09:00 to 23:00
Plus an additional hour until midnight on public holidays and 12 special events per year with approval from local police and licensing authority

- xi) Hours the premises are open to the public (O)
Monday to Sunday 09:00 to 23:00
Plus an additional hour until midnight on public holidays and 12 special events per year with approval from local police and licensing authority

The report also outlined the additional measures the applicant would need to take to promote and ensure the achievement of the relevant objectives.

There were six representations from interested parties to the application relevant to the Licensing Objectives of public safety and prevention of public nuisance.

The Licensing Authority in determining the application, having regard to the representations, may take the following steps it considers necessary for the promotion of the licensing objectives.

- (a) Grant the licence subject to any conditions modified to such extent as the Authority considers necessary for the promotion of the licensing objectives and any condition which under Section 19 (mandatory conditions where licence authorises supply of alcohol... (i) must be a DPS and (ii) every supply of alcohol must be made or authorised by a person who holds a personal licence) or 21 (mandatory condition: door supervision) must be included in the licence.
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates.
- (c) Refuse to specify a person in the licence as the premises supervisor.
- (d) Reject the application.

Representations were received from five objectors on the likely effect on the grant of a premises licence relevant to two of the four licensing objectives.

The Sub-Committee also considered all the written and verbal evidence in the interests of the provision of the Council's adopted Statement of Licensing Policy and Government Guidelines.

After taking account of the representations and relevant factors, the Sub-Committee arrived at the following unanimous **DECISION**:

1. The Sub-Committee is mindful that the Council's Statement of Licensing Policy aims to secure the safety and amenity of local communities whilst facilitating a sustainable entertainment and cultural industry.

2. 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 relating to licensing hours and prevention of public nuisance.
3. The Sub-Committee considered very carefully the applicants representations in relation to the proper operation of the premises should the application be granted and also the interested parties representation on the potential for disturbance on their residential amenity.
4. The Sub-Committee considers that the risk of disturbance to local residents will be greater when licensable activities continue into the night when ambient noise levels are lower.
5. The Licensing Sub-Committee were also mindful of the amenity of the residence above the premises.
6. The Sub-Committee recognises that the applicant has attempted mediation with the interested parties and has amended his application to reduce the impact on the licensing activities sought. The Sub-Committee is also mindful of the interested parties residential amenity and has to achieve a balanced approach to these difficult issues.
7. The Sub-Committee also considered the 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 their decision the Committee have considered the proportionality principle.
8. The Licensing Sub-Committee considered the representation in relation to parking but in the circumstances considered that the proposal would not significantly cause a demonstrable adverse effect when considered in relation to the availability of public car parking in the area.
9. In considering the above factors the Sub-Committee balancing the interests of the interested parties and the applicant, has resolved to grant the application. However, the Committee mindful of the representations grants the application in the amended form as follows:

Plays – deleted.

Films – deleted.

Indoor Sport Events – deleted.

Box and wrestling – deleted.

Live Music – Hours - Monday to Sunday 09.00 to 21.00 hours

Recorded Music – Hours – Sunday to Thursday 09.00 to 21.00 hours - Friday and Saturday 09.00 to 22.00 hours

Performances of Dance – deleted.

Anything similar to live/recorded music or dance – delete

Provision of facilities for making music – Hours – Monday to Sunday 09.00 to 21.00 hours

Provision of facilities for dance – delete

Provision of facilities for entertainment of similar description to facilities for making music or dance – deleted

Light Night Refreshment – deleted

Supply of alcohol – Hours – Sunday to Thursday 09.00 to 21.00 hours – Friday and Saturday 09.00 to 22.00 hours

Hours Premises Open - Sunday to Thursday 09.00 to 21.30 hours – Friday and Saturday 09.00 to 22.30 hours

In addition the following conditions are considered by the Sub-Committee to be necessary, reasonable and proportionate.

1. A notice shall be displayed at the exit from the premises, in a place where it can be seen and easily read requiring customers to behave in the vicinity in a quiet and reasonable manner.
2. No amplified live music shall be played at any time.

Chair