

Licensing Act 2003 Sub-Committee

Wednesday, 15 September 2010

Present: Councillor Pat Haughton (Chair) and Councillors Alan Platt and Stella Walsh

10.LAS.14 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.LAS.15 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.LAS.16 APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003, FOR THE PARKVILLE HOTEL AND TRUFFLES RESTAURANT

The Licensing Act 2003 Sub-Committee considered a report from the Director of People and Places which sought the Sub-Committee's decision on an application to vary a Premises Licence in respect of Parkville Hotel and Truffles Restaurant.

The applicant, his legal representative and the manager of the premises attended the meeting to support the application for the variation of the Licence and seven neighbouring residents also attended to expand on their grounds of objection.

The Sub-Committee considered the guidance issued under Section 182 of the Licensing Act, together with the Council's Statement of Licensing Policy, in particular those paragraphs referred to in the report. The Sub-Committee also considered Human Rights implications, in particular Article 8 and Article 1 of the First Protocol of the Proportionality Principal.

The Sub-Committee were of the view that the licensing objective of preventing public nuisance and the other licensing objectives would not be undermined by the grant of the application.

The Sub-Committee **RESOLVED - to grant the application subject to the amendments proposed by the applicant at the hearing and the conditions proposed by the applicant in the application and at the hearing as follows:**

- | | | | |
|----------|--|-------------------------|-----------------------------|
| E | Live music | Monday to Sunday | 08:00-03:00 indoors |
| F | Recorded Music | Monday to Sunday | 08:00-03:00 indoors |
| | Recorded Music | Monday to Sunday | 08:00-23:00 outdoors |
| H | Anything of a similar description to that falling within (e), (f) or (g) Monday to Sunday 08:00-03:00 indoors | | |
| | Anything of a similar description to that falling within (f) or (g) Monday to Sunday 08:00-23:00 outdoors | | |
| I | Provisions of facilities for making music, Monday to Sunday, 08:00-03:00 indoors. | | |
| J | Provisions of facilities for dancing, Monday to Sunday, 08:00-03:00 indoors | | |

Provisions of facilities for dancing, Monday to Sunday, 08:00-23:00 outdoors

- K** Provision of facilities for entertainment of a similar description to that falling within I or J, Monday to Sunday 08:00-03:00 indoors
Provision of facilities for entertainment of a similar description to that falling within J, Monday to Sunday 08:00-23:00 outdoors
- L** Late night refreshment Monday to Sunday indoors 23:00-05:00
Late night refreshment Monday to Sunday 23:00 to 24:00 outdoors
- M** Supply of alcohol Monday to Sunday 00:00-00:00 on and off the premises.
- O** Hours the premises are open to the public Monday to Sunday 00:00-00:00.

The following conditions are attached to the Premises Licence as set out in the written application for a variation and subject to the amendments proposed by the applicant at the hearing:

A General

These premises are to be used primarily for fine dining as a wine bar. Families are to be encouraged and the facilities are aimed at the higher end of the market.

B The Prevention of Crime and Disorder

CCTV to be installed with the approval of Lancashire Police within 31 days. Recordings to be retained and made available to the Police. Think 21 policy to be implemented. Any events purely music and alcohol led consideration to be given for SIA doorstaff
Premises to be a member of local Pub Watch.
No 'all inclusive' drinks offers to be available.

C Public Safety

The premises will be fully certificated i.e. Fire Safety etc. Incident book to be maintained.

D The Prevention of Public Nuisance

Provision to be made to ensure that these premises are run in an orderly manner.
Signs to be displayed asking people to leave the premises in an orderly manner. Noise from entertainment to be monitored by a member of staff and adjusted accordingly, 30 minutes before closing music to be played at a lower volume and tempo.
All outside areas used for consumption of alcohol shall cease to be used after midnight.
The provision of late night refreshment outdoors and the sale and supply of alcohol outdoors shall cease at midnight each day.
All external windows and doors other than for entry and egress shall remain closed after midnight when premises are open to the public. All doors and windows shall remain closed during the provision of regulated entertainment other than for entry and egress.

E The protection of Children from Harm

Children will only attend the premises with their parents and an ID policy will operate for 18 year olds. Staff will be trained in this regard.

The following conditions proposed by the applicant at the hearing are attached to the premises licence:

- **Patio doors leading to the decked area to be closed and alarmed at 00:00 each day, and a notice to be fixed to the doors to inform customers of this.**
- **Signs to be fixed at principal exit points and frequently around the car park to ask customers to respect the neighbours and to leave quietly.**
- **During the provision of regulated entertainment, a member of staff will monitor at 1 metre from the nearest noise sensitive dwelling the volume levels, appropriate action should be taken to adjust any level that is considered likely to affect that dwelling and any monitoring and action taken shall be recorded in a book kept for that purpose (this represents an amended version of the condition proposed by the applicant in his written application)**

In support of their decisions the Sub Committee noted that no representations had been received from Responsible Authorities. The Sub-Committee also noted that two complaints received by Environmental Health Officers had been investigated and held to be unfounded.

The Sub-Committee did not consider that convincing evidence had been presented that there would be public nuisance if the licence were varied subject to the conditions proposed by the applicant.

The Sub-Committee noted that the applicant had amended his application to remove the performance of live music outdoors at any time in response to one of the representations from a neighbouring resident.

The Sub-Committee did not consider that all aspects of the representations were relevant, in particular in relation to planning issues and speculation about the applicant's future intentions to sell the premises.

The Sub-Committee welcomed that it had been agreed that the Council's Public Protection Officer would arrange mediation between a neighbouring resident and the Premises Licence Holder regarding the erection of a fence along the wall line to the rear of the decked area separating the premises from a neighbouring property.

Chair