

Statutory Licensing Sub-Committee A

Wednesday, 8 June 2005

Present: Councillor R Snape (Chair) (Chair), Councillors M Lees and Mrs I Smith

Also in attendance: Councillors (none)

05.SLA.01 APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF ST CHADS PARISH CENTRE 235 TOWN LANE, WHITTLE-LE-WOODS

The Director of Legal Services submitted a report requesting the Sub-Committee to determine an application to vary a premises licence in respect of St Chads Parish Centre, 235 Town Lane, Whittle-le-Woods.

The current licensable activities was:

Monday - Saturday	11.00 - 23.00
Sunday and Good Friday	12.00 - 22.30
Christmas Day	12.00 - 15.00 and 19.00 - 22.30
New Year's Eve	11.00 - 11.00 (next morning by virtue of the deregulation order)

- regulated entertainment for private members club or private hire during the above hours
- the current licence was also subject to a number of embedded conditions in relation to those embedded in the Licensing Act 1964.

Under Section 4 of the Licensing Act 2003 the Licensing Authority must have regard to its Statement of Licensing Policy and the four licensing objectives.

In this respect the Sub-Committee received additional steps they would take to promoting the licensing objectives in relation to:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The protection of children from harm

A copy of the application to vary the existing licence and allow the following licensable activities during the times indicated was attached to the submitted report.

- Regulated Entertainment
 1. Live Music - Indoors
Monday - Sunday inclusive 11.00 - 01.00.
Live entertainers will be engaged to perform live music in the premises, live bands etc primarily at private family functions.
 2. Provision of facilities for making music - Indoors

- Mondays to Sunday inclusive 11.00 - 01.00.
Karaoke by means of amplified equipment.
3. Recorded Music - Indoors
Mondays - Sundays inclusive 11.00 - 01.00 playing of recorded music will take place on the premises in the form of discos at family functions.
 4. Provision of facilities for dancing - Indoors
Monday - Sunday inclusive 11.00 - 01.00
Dancing provided in function room to enable dancing on the premises designated dance floor area 25' by 20'.
- Supply of Alcohol - On or off the premises
Monday - Sunday inclusive 11.00 - 01.00
New Years Eve - deregulated hours.
 - Late Night Refreshment - Indoors
Monday - Sunday inclusive 23.00 - 01.00
Occasionally functions accompanied by buffet or HA PA Supper after 11.00pm.

The report also outlined the additional measures that the applicant had indicated which would be taken to provide and ensure the achievement of the four relevant licensing objectives.

The application had been brought to the Sub-Committee following an objection from an Interested Party, occupants, of a neighbouring property, based on the noise and the lateness of the noise from the premises.

The Sub-Committee received representations in respect of the application from the applicant, his representative as well as the interested party to the application.

No objections had been received from responsible authorities. The Committee considered all the representations together with the Article 8, rights of both the applicant, and the interested party and included the proportionality principle.

The Sub-Committee Members raised a number of pertinent issues with the applicant and his representative as well as the interested party and considered all the written and verbal evidence in the context of the provision of the Councils adopted Statement of Licensing Policy and Government guidelines. After taking account of all representations and relevant factors, the Sub-Committee arrived at the following unanimous decision.

RESOLVED - That the Licensing Sub-Committee have considered carefully the applicants and the interested parties representations.

We have considered the guidance issued under Section 182 of the Licensing Act 2003 together with the Council's Statement of Licensing Policy in particular those paragraphs referred to in the report.

The Sub-Committee has had regard to the fact that no responsible authorities have made representation to the application. Whilst the Committee take account of the interested parties representations on

disturbance they have suffered, the Committee also take account that there have been no representations from Environmental Health in particular.

The Sub-Committee also took account that the Statement of Licensing Policy indicates that fixed predetermined closing times will be avoided unless necessary to promote the licensing objectives.

The Sub-Committee also took account of the applicants representations that the hours sought were not to be operated 7 days per week but would provide flexibility for occasional events.

The Licensing Sub-Committee mindful of residential amenity, were of the view that the steps put forward by the applicant to promote the licensing objectives, in particular, prevention of public nuisance were such that they would address the main objectives for the interested party.

The Sub-Committee were of the view that the conditions offered up in the application were within the direct control of the licence holder and would minimise the impact of licensable activities.

The Sub-Committee also considered human rights implications, in particular Article 8 and Article 1 of the 1st Protocol, the proportionality principle.

In considering all the above factors, the Sub-Committee, balancing the interests of the interested party and the applicant, resolved to grant the application subject to those conditions set out in the operating Schedule and Paragraph 9 of the report.

Chair