

# Statutory Licensing Sub-Committee B

**Wednesday, 14 September 2005**

**Present:** Councillor Miss Iddon (Chair) (Chair), Councillors A Gee and McGowan

**Also in attendance:** Councillors D Dickinson

## **05.SLB.01 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest by any members of the Sub-Committee in the application under consideration at the meeting.

## **05.SLB.02 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATES) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF THE WHEATSHEAF, SPENDMORE LANE, COPPULL**

The Director of Legal Services submitted a report on an application to vary the premises licence in respect of the Wheatsheaf Public House, Spendmore Lane, Coppull.

The report stated that the current licensable activities were as follows:

### Supply of alcohol by retail (on Licence)

Monday - Saturday	11.00 - 23.30
Sunday and Good Friday	12.00 - 23.30
Christmas Day	12.00 - 15.00
New Years Day	11.00 - 23.00

Current conditions are those embedded conditions under the Licensing Act 1964

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

### Provision of regulated entertainment

i) Films - Indoors

09.00 - 00.00 Monday - Sunday

Video entertainment on TV screens and amusement machines

Non Standard Timings

When hours for sale of alcohol are extended on bank holidays and event days these hours to be similarly extended. The hours include drinking up time.

ii) Indoor sporting events - indoors

09.00 - 00.00 Monday - Sunday

To permit pub games that attract an audience whether by advertisement or spontaneously

Non Standard Timings

When hours for sale of alcohol are extended on bank holidays and event days these hours to be similarly extended. The hours include drinking up time.

iii) Live Music - Indoors

09.00 - 00.00 Monday - Sunday

Live acoustic music, amplified voice

iv) Recorded Music - Indoors

09.00 - 00.00 Monday - Sunday

Recorded music via jukebox or sound system with or without a DJ during normal pub business or as part of functions.

v) Anything of a similar description to that falling within E, F or G - Indoors

09.00 - 00.00 Monday - Sunday

Non Standard Timings

When hours for sale of alcohol are extended on bank holidays and event days these hours to be similarly extended. The hours include drinking up time.

vi) Provision of facilities for making music - Indoors

09.00 - 00.00 Monday - Sunday

Used as and when required at any time during opening hours

Non Standard Timings

When hours for sale of alcohol are extended on bank holidays and event days these hours to be similarly extended. The hours include drinking up time.

Supply of Alcohol - On or Off Premises

09.00 - 00.00 Monday - Thursday  
09.00 - 01.00 Friday and Saturday  
09.00 - 00.00 Sunday

Non Standard Times -

09.00 New Years Eve till 00.00 New Years Day.

Hours premises are open to the Public

09.00 – 01.00 Monday – Thursday  
09.00 – 02.00 Friday and Saturday  
09.00 – 01.00 Sunday

Non Standard Times –

09.00 New Years Eve till 00.00 New Years Day.

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

The Committee were advised that the application to vary the premises licence as now presented for determination had been altered from the originally submitted application following negotiation between the Police and the applicant. The objection lodged by the Police to the original application had been withdrawn as a consequence of the amended application. However, five representations had been lodged from interested parties who resided close to the Wheatsheaf Public House in objection to the application.

The licensee of the Wheatsheaf Public House (the applicant) and the Regional Manager of Enterprise Inns (the applicant's representative) attended the meeting, but there were no representatives of the interested parties present at the meeting.

In response to the Chair's invitation for the applicant's response to the interested parties' representations, the applicant highlighted the reasons for the application to vary the premises' licensable activities, which they contended were in accordance with the provisions of the Licensing Act, 2003. The Sub-Committee members raised a number of pertinent issues with the applicant and his representative, especially with regard to the matters that had been highlighted in the interested parties' representations. The applicant and his representatives, in reply, confirmed their awareness of the need to take account of, and promote customers' awareness of, the need to respect local residents' amenities by restricting noise levels and introducing satisfactory operational arrangements.

After taking account of all written and verbal representations and relevant factors, and following a site visit to look at the relationship of the Wheatsheaf Public House to surrounding residential property, the Sub-Committee arrived at the following unanimous **DECISION**:

"We have considered the guidance issued under S182 of the Act together with Council's Statement of Licensing Policy, in particular those paragraphs referred to in the report.

This Committee has had regard to the fact that no responsible authorities have made representations to the application, whilst the Committee took account of the interested parties' written representations on disturbance they have suffered. There have been no representations from Environmental Health and Lancashire Police have withdrawn their representation following discussions with the applicant. The Committee noted that the applicant has amended his application following those discussions.

The Committee accepts the difficulty that a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of the licence holder. However, 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 in his operating schedule to minimise the impact on licensing objectives. The Committee is also mindful of the interested parties' residential amenity. The Sub-Committee has to achieve a balanced approach to these difficult issues. Therefore, we carried out a site visit with these considerations in mind.

The Committee also considered human rights implications, in particular Article 8 and Article 1 of the 1<sup>st</sup> Protocol of the proportionality principle.

In considering all the above factors the Committee resolved to grant the application in the following amended form.

Regulated entertainment as specified in the application

Monday - Thursday	09:00 - 23.30
Friday and Saturday	09.00 - 00.00
Sunday	11.00 - 23.30

Sale of alcohol on or off the premises

Monday - Thursday	09.00 - 23.00
Friday - Saturday	09.00 - 01.00
Sunday	11.00 - 23.30

Times premises are open

Monday - Thursday	09.00 - 00.00
Friday & Saturday	09.00 - 01.30
Sunday	11.00 - 00.00

Subject to those conditions in the operating schedule and the following additional conditions.

1. No outside areas designated for consumption of alcohol shall be used after 10.30pm.
2. All doors and windows to be kept closed when regulated entertainment is taking place, except in emergencies.
3. The Licensee shall ensure that notices requesting customers to leave in a quiet and orderly manner are displayed and maintained at the exits to the premises.
4. The Licensee shall ensure that no glasses or open bottles are removed from the premises except to outside areas designated for consumption of alcohol.
5. The Licensee shall ensure all bottles and glasses are cleared from all outside areas designated for consumption of alcohol, at regular intervals and particularly at the end of the period of licensable activities.

We agree to remove the restrictions as applied for and grant the New Years Eve applications applied for.”

Chair