

# Licensing Act 2003 Sub-Committee

**Wednesday, 7 August 2013**

**Present:** Councillor Marion Lowe (Chair) and Councillors Pauline Phipps and Alan Platt

**Also in attendance**

**Officers:** Zeynab Patel (Solicitor), Matthew Swift (Public Protection Officer) and Dianne Scambler (Democratic and Member Services Officer)

**13.LAS.26 APOLOGIES FOR ABSENCE**

There were no apologies.

**13.LAS.27 DECLARATIONS OF ANY INTERESTS**

No declarations of any interests were received.

**13.LAS.28 APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 - RED LION, 196 BLACKBURN ROAD, WHEELTON, CHORLEY, PR6 8EU**

The Licensing Sub Committee considered the application for the granting of a premises licence made by Mr Philip Entwistle of Special Ale Services Limited, Norwood Copthurst Lane, Whittle-le-Woods. Chorley in respect of Red Lion, 196 Blackburn Road, Wheelton, Chorley in light of representations made towards the application under Section 17 of the Licensing Act 2003.

The Council had received an application on 25 June 2013 made under section 17 of the Licensing Act 2003 for the granting of a premises licence and officers were satisfied that the application had been made in the correct manner. Officers had received 25 relevant representations objecting to the application that were accepted and were to be considered under the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. Two representations in support of the application were also received.

An interested person had promoted a view of the application for the premises licence at the Red Lion that had been delivered to many addresses throughout Wheelton. A copy of the leaflet was contained within the report and Members were advised that not all of the issues raised within the information were licensing considerations.

The premises had benefited from a premises licence that had been granted under the Licensing Act 2003 from 24 November 2005, following an application for the conversion and variation from a Justices Licence empowered under the Licensing Act 1964, the Councils records show that those permissions existed from 1993. On or around 4 January 2013 the Council received a notice under Section 28 of the Licensing Act 2003 to surrender the premises licence in force at that time following a contractual agreement between Enterprise Inns and Special Ale services Ltd.

On 18 June 2013, following an application made by Special Ale Services Ltd for the transfer of the premises licence and change of the Designated Premises Supervisor, the applicant was informed that the licence could not be transferred as it no longer existed.

Members were also informed that Live music is not now regarded as a licensable activity on any premises between the hours of 8am and 11pm.

The Licensing Sub Committee has carefully considered the applicant's written and verbal representations for the application for the granting of a premises licence and have also taken into account all the representations both written and verbal that had been made by local residents who were objecting to the proposals.

Members noted that no responsible authorities had made representations about the application. Members considered that the concerns expressed about highway safety are not grounds for refusing the application or for imposing further conditions.

Members also considered that the conditions proposed by the applicant subject to the amendments below are sufficient to meeting the licensing objectives.

The Sub Committee have considered the amended guidance issued under Section 182 of the Licensing Act, together with the Council's Statement of Licensing Policy, in particular those paragraphs referred to within the report. The Sub Committee also considered Human Rights implications, in particular Article 6, Article 8 and Article 1 of the First Protocol of the Proportionality Principle and the changes to the Act that have been made by the Police Reform and Social Responsibility Act 2011.

The Sub Committee **RESOLVED to grant the application as set out in the report subject to:**

**Regulated Entertainment**

**Live music (indoors)**

**Monday to Sunday 09.00 – 23.00**

**Recorded music (indoors)**

**Monday to Sunday 09.00 – 23.00**

**Anything of a similar description to that falling within Live music, Recorded music or Performances of dance (indoors)**

**Monday to Sunday 09.00 – 23.00 (indoors)**

**Late night refreshment**

**Sunday/Monday/Tuesday until 23.00**

**Wednesday/Thursday until 23.30**

**Friday/Saturday until 00.30**

**Supply of Alcohol**

**Sunday/Monday/Tuesday from 9.00 - 23.00 plus 30 minutes drink up time**

**Wednesday/Thursday from 9.00 - 23.30 plus 30 minutes drink up time**

**Friday/Saturday from 9.00 - 00.30 plus 30 minutes drink up time**

**Hours of the premises are open to the public**

**Sunday/Monday/Tuesday from 9.00 - 23.30**

**Wednesday/Thursday from 9.00 - 00.00**

**Friday/Saturday from 9.00 – 1.00**

**The Beer Garden to close at 23.00 Monday to Sunday**

**Conditions**

**General: as per the operating schedule on page 36**

**The Prevention of Crime and Disorder: as per the operating schedule on page 36 and a new condition as follows - Licensee to explore implementation of the Pub Watch Scheme.**

**Public Safety: as per operating schedule on page 36**

**The Prevention of Public Nuisance: as per operating schedule on page 36 with amendment as follows: The Beer Garden will be closed at 23.00 at the latest.**

**New condition – No disposal of waste/recycling in external refuse containers between 23.00 – 7.00**

**Protection of Children from Harm: No child should remain on the premises after 21.00 Monday to Sunday**

Chair