

Statutory Licensing Sub-Committee A

Monday, 3 October 2005

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

Also in attendance at the commencement of the meeting: Councillors E Smith

05.SLA.12 DECLARATIONS OF ANY INTERESTS

None of the members present declared a personal interest in respect of the item included on the agenda.

05.SLA.13 LICENSING ACT 2003 (PREMISE AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF THE BLACK HORSE, 252 PALL MALL, CHORLEY

The Director of Legal Services submitted a report requesting the Sub-Committee to determine an application to vary a premises licence in respect of The Black Horse, 252 Pall Mall, Chorley.

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

Supply of alcohol by retail on and off the premises
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 Years Eve 11.00 - New Years Day - terminal hour as existing
Licensing Act 1964 embedded conditions and restrictions converted

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

1. Regulated Entertainment

i) Films - Indoors

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

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended

ii) Indoor Sporting events

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

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

iii) Live Music Indoors

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

Live music and amplified voice as stated in B1

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

iv) Recorded Music - Indoors

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

Recorded music, including jukebox, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in B1

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

v) Performance of dance - Indoors

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

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

vi) Anything of a similar description to that falling within e, f or g

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

Compares for quiz and similar events, comedians and similar performances in any case using voice amplification.

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

vii) Provision of facilities for making music - Indoors

09.00 - 00.00 Monday - Thursday

09.00 - 01.00 Friday - Saturday
09.00 - 00.00 Sunday

To be used as and when required at any time when the premises are open for the sale of alcohol.

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

viii) Provision of facilities for dancing - Indoors

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

To be used as and when required at any time when the premises are open for the sale of alcohol.

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

2. Late night refreshment

23.00 - 00.00 Monday - Thursday
23.00 - 01.00 Friday - Saturday
23.00 - 00.00 Sunday

Non-Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

3. Supply of alcohol

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

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: the sale of alcohol and such regulated entertainment as authorised hereunder until 01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day.

New Years Eve: 10.00 to New Years Day - terminal hour as proposed

4. Hours Premises are open to the public

09.00 - 00.30 Monday - Thursday
09.00 - 01.30 Friday - Saturday
09.00 - 00.30 Sunday

The premises will close 30 minutes after the end of the non standard timings.

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

While there had been no representations from Responsible Authorities objections had been lodged by four representations received to the application to vary from interested parties who reside close to the premises. The objections were relevant to the following licensing objectives:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Public Safety

The Sub-Committee raised a number of pertinent issues with the applicant and the Interested Party who attended the meeting and considered all the written and verbal evidence in the interest of the provision of the Council's 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**:

The Licensing Sub-Committee have considered carefully all the representations from the applicant and the interested parties.

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.

Whilst the Committee took account of the interested parties representations on disturbance they have suffered, the Committee also took account that there have been no representations from Environmental Health.

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

The Committee accepts the difficulty that licence holders have in preventing anti-social behaviour by individuals once they are beyond the direct control of the licence holder. However, if customers from a premises regularly conduct themselves in an anti-social manner this will be to the detriment of the local residents.

The Committee recognise that the applicant has attempted to minimise the impact of the licensable activities. However the Committee take the view that additional measures are required.

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

In considering all the above factors the Committee balancing the interests of the interested parties and the applicant resolved to grant the application in the following amended terms.

- Regulated entertainment all forms
Sunday - Thursday 09.00 - 23.00 hours
Friday and Saturday 09.00 - 23.30 hours
Bank Holiday Weekends Friday, Saturday, Sunday inclusive
Christmas Eve, Boxing Day until 00.30 hours

New Years Eve as applied for.

- Sale of alcohol
Sunday to Thursday 09.00 - 00.00 hours
Friday and Saturday 09.00 hours to 01.00 hours
Bank Holiday weekends, Friday and Saturday, Sunday and inclusive Christmas Eve and Boxing Day until 01.00 hours
New Years Eve as applied for.
- Hours premises are open to public
Sunday - Thursday 09.00 - 00.30
Friday and Saturday 09.00 - 01.30
In addition end of non standard hours eg Bank Holidays (01.30)
- Late Night Refreshment
Sunday to Thursday 23.00 - 00.00 hours
Friday and Saturday 23.00 to 01.00 hours
No extension for Bank Holidays

The Committee impose the following additional conditions:

1. A personal licence holder shall be on the premises during the hours which intoxicating liquor is being sold, supplied or consumed by customers except in the case of an emergency.
2. All windows and doors shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
3. Any outside area used for consumption of alcohol shall cease to be used after 23.00 hours at all times.
4. No regulated entertainment shall take place at any time in the outside area of the premises.

The Committee also agree to remove the restrictions as sought.

Chair