

Statutory Licensing Sub-Committee B

Friday, 7 October 2005

Present: Councillor Miss I Iddon (Chair), Councillors T Bedford and Mrs S Walsh

Also present at the commencement of the Committee: Councillor E Smith

05.SLB.12 DECLARATIONS OF ANY INTERESTS

None of the Members present declared an interest in respect of the item included on the agenda.

05.SLB.13 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATES) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF THE QUEENS, 52 CHAPEL STREET, 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 Queens, 52 Chapel Street, 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 hours to be converted as existing.

Licensing Act 1964 embedded conditions and restrictions converted.

A copy of the application to vary the existing premises licence was enclosed and following discussion with the Police, the applicant amended the application. The Committee received the amended application as listed below and Lancashire Police formally withdrew their objection, there still remained representations from Interested Parties which are listed below.

1. All below are 10.00 - 00.30 Monday to Sunday
 - Films - Indoors (B)
 - Indoor Sporting events (C)
 - Recorded Music - Indoors and Outdoors (F)
 - Performance of dance - Indoors(G)
 - Anything of a similar description to that falling with E/F/G Indoors (H)
 - Provision of facilities for making music - Indoors (I)
 - Provision of facilities for dancing - Indoors and Outdoors (J)
2. Live Music - Indoors (E)
 - 12.00 - 23.30 Monday - Sunday
3. Late Refreshment - Indoors (L)
 - 23.00 - 01.00 Monday - Sunday

4. Supply of Alcohol - both on and off the premises (M)
10.00 - 00.00 Monday - Sunday
5. Hours premises are open to the public (O)
10.00 - 01.00 Monday - Sunday

Additional conditions - doors/windows to be kept closed during live performance.

All live amplified music to cease by 23.30.

Seasonal variations and non-standard timings are as in the original application.

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.

An objection had been received from an Interested Party based on incidents of disturbance and the proposed hours. The representations had been put in writing but the objector was unable to attend the meeting.

The Sub-Committee raised a number of issues with the co-owner and applicant 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 the applicants representations and the interested parties written representations.

We have considered the guidance issued under Section 182 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 also took account that the Statement of Licensing Policy indicates that predetermined closing times will be avoided unless necessary to promote the licensing objectives.

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.

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

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

Films – Indoors	10.00 to 00.30 Monday – Sunday
Indoor Sporting Events	10.00 to 00.30 Monday – Sunday
Recorded Music – Indoors	10.00 to 00.30 Monday – Sunday
Performance of Dance – Indoors	10.00 to 00.30 Monday – Sunday
Anything of a similar description to that falling within EFG – Indoors	10.00 to 00.30 Monday – Sunday
Provision of facilities for making music – Indoors	10.00 to 00.30 Monday – Sunday
Provision of facilities for dancing – Indoors	10.00 to 00.30 Monday – Sunday
Live Music – Indoors	12.00 – 23.30 Monday – Sunday
Late Refreshment – Indoors	23.00 – 01.00 Monday – Sunday
Supply of Alcohol – both on and off the premises	10.00 – 00.00 Monday - Sunday

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 23.00.
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 and in the car park.
4. All live amplified music to cease by 23.30.
5. All recorded music to be at background level from 00.00 onwards
6. Licensing hours on New Years Eve to be granted in line with current legislation or any subsequent amendments.

Chair