

Statutory Licensing Sub-Committee A

Tuesday, 11 October 2005

Present: Councillor R Snape (Chair), Councillors Mrs I Smith and D Dickinson

Also in attendance at the commencement of the meeting: Councillors T Gray

05.SLA.14 DECLARATIONS OF ANY INTERESTS

No Member declared an interest in relation to matters under consideration at the meeting.

05.SLA.15 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATES) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE MITRE, WELDBANK LANE, 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 Mitre, Weldbank Lane, 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 & Good Friday 12.00 – 22.30
Christmas Day 12.00 – 15.00 and 19.00 – 22.30
Licensing Act 1964 embedded conditions and restrictions converted.

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.

There had been relevant representations received from Responsible Authorities, the Police to vary on three licensing objectives:

Prevention of Public Nuisance
Prevention of Crime and Disorder
Protection of Children from Harm

There had also been two representations and a petition received from Interested Parties to the application to vary which were relevant to the four licensing objectives of:

Prevention of Public Nuisance
Prevention of Crime and Disorder
Protection of Children from Harm
Public Safety

The Sub-Committee, raised a number of pertinent issues with the applicant and 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 the 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 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.

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 in particular.

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 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 activities, however, the Committee take the view that additional measures are required. The Committee is also mindful of the interested parties residential amenity and 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 balancing the interests of the interested parties and the applicant resolved to grant the application in the following amended form.

Films

Monday – Thursday	10.00 to 23.00
Friday, Saturday, Sunday	10.00 to 00.00

Indoor Sport

Monday – Thursday	10.00 to 23.00
Friday, Saturday, Sunday	10.00 to 00.00

Live Music

Monday – Sunday	10.00 to 23.00
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Recorded

Monday – Thursday	10.00 to 23.00
Friday, Saturday, Sunday	10.00 to 00.00

Non-Standard Time

Xmas Eve, Boxing Day, Bank Holidays	
Saturday and Sunday only	10.00 to 00.00
New Year's Eve	10.00 to 01.00

Dancing Facilities

Monday to Thursday	10.00 to 23.00
Friday, Saturday and Sunday	10.00 to 00.00

Alcohol

Monday – Thursday	10.00 to 23.00
Friday – Saturday	10.00 to 00.00
Sunday	10.00 to 23.00

Non Standard Hours (Alcohol)

Christmas Eve, Boxing Day	10.00 to 00.00
Bank Holidays, Saturday to Sunday only	10.00 to 00.00
New Year's Eve	10.00 to 01.00

Hours Opening

Monday to Thursday	9.00 to 23.30
Friday to Sunday	9.00 to 00.30

Non Standard

Christmas Eve, Boxing Day	9.00 to 00.30
Bank Holidays, Saturday to Sunday only	9.00 to 00.30
New Years Eve	9.00 to 01.30

The application was also granted subject to the following conditions offered up by the applicant in Part Q(b) of the application form. Prevention of crime and disorder. These conditions offered up by the applicant in paragraph 8(i) of the report.

Public safety. Those conditions offered up by the applicant in paragraph 8(ii) of the report.

The Committee impose the following additional conditions:

1. A personal licence holder shall be on the premises during which intoxicating liquor is being sold or supplied to customers or consumed by customers except in the case of an emergency.
2. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
3. The licensee shall ensure that the area immediately surrounding the premises shall be cleared of glasses and bottles at the end of licensable activities each day.
4. Signs shall be erected to direct customers to the car park at the rear to restrict parking at the front of the premises.
5. Signs to be erected within the premises to request customers to leave quietly with consideration to neighbours.
6. The beer garden situated at the rear of the premises that is used for consumption of alcohol shall cease to be so used after 22.00 hours at all times.

7. The front area of the premises shall not be used for the consumption of alcohol at all times.

Chair