

Statutory Licensing Sub-Committee A

Tuesday, 11 October 2005

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

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

05.SLA.18 DECLARATIONS OF ANY INTERESTS

The under mentioned Member declared a personal/prejudicial interest in relation to the item included on the agenda for consideration.

Councillor R Snape left the room during the discussion and voting and Councillor E Smith chaired the Sub-Committee meeting.

05.SLA.19 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATES)REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE DERBY ARMS,211 EAVES 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 Derby Arms, 211 Eaves Lane, Chorley.

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

The premises licence was converted under the grandfather provisions. The current licensable activities are 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

Recorded music is converted.

Licensing Act 1964 embedded conditions and restrictions converted.

Following discussions with the Police, the applicant amended the application.

The amended application as listed below and Lancashire Police formally withdrew their objection. Letters agreeing to those changes were included with the submitted report.

1. Regulated Entertainment

i) Films – Indoors (B)

09.00 – 00.00 Monday – Thursday
09.00 – 01.00 Friday and 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 (C)

09.00 – 00.00 Monday – Thursday
09.00 – 01.00 Friday and 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 (E)

09.00 – 00.00 Monday – 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 (F)

09.00 – 00.00 Monday – 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 (G)

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

Non-Standard timings

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

vi) Provision of facilities for making music – Indoors (I)

09.00 – 00.00 Monday – 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.

vii) Provision of facilities for dancing – Indoors (J)

09.00 – 00.00 Monday – Thursday
09.00 – 01.00 Friday and 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 – Indoors (L)

23.00 – 00.00 Monday – Thursday
23.00 – 01.00 Friday and 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 both on and off the premises (M)

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

Non Standard timings

To the extent that the variation in part B1 paragraph 3 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 and also to the extent that the variation in part B1 paragraph 3 is not granted to open the same hour on up to 12 occasions per annum at the Licensee's discretion upon 7 days notice prior to the Police (if required by them)

Part B1 – Paragraph 3 – To allow the sale of alcohol and such regulated entertainment as specified in the appropriate boxes below.

New Years Eve: 10.00 to New Years Day – terminal hour as proposed.

4. Hours Premises are open to the public (O)

09.00 – 00.30 Monday – Thursday
09.00 – 01.30 Friday and 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.

There had been a relevant representation received to the application to vary from an interested party residing close to the premises. The objection was relevant to the prevention of public nuisance licensing objective.

The Sub-Committee raised a number of pertinent issues with the 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 and the interested party written representations.

We have considered the guidance issued under Section 182 of the Act together with the 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 except for Lancashire Police who have now agreed terms with the applicant. 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 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 attempted to minimise the impact of the licensable activities by submitting measures in the operating schedule.

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.

The amended hours as agreed between applicant and Lancashire Police subject to the following additional condition:

All external doors and windows shall be kept closed after 23.00 hours when regular entertainment is taking place except in the case of an emergency.

Embedded restrictions removed as sought.

Chair