

Statutory Licensing Sub-Committee A

Thursday, 13 October 2005

Present: Councillor R Snape (Chair), Councillors Bedford and E Smith

Also in attendance at the beginning of the meeting: Councillor T Gray

05.SLA.20 DECLARATION OF ANY INTERESTS

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

05.SLA.21 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATES) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF THE MALTHOUSE FARM, MOSS LANE, WHITTLE-LE-WOODS.

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 Malt House Farm, Moss Lane, Whittle-le-Woods.

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

The premises licence was converted under the grandfather provisions. The current licensable activities were as follows:

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

Current embedded conditions and restrictions to be converted.

Alcohol

The provisions of sections 59 – 61 inclusive and section 63 of the Licensing Act 1964 apply (drinking up time).

Late Night Refreshment

Food may be sold in line with the alcohol sales plus an extra 30 minutes.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with the provisions of the Licensing Act 1964

Following discussions with the police, the applicant amended the application. The following amended application was circulated to Members and Lancashire Police had formally withdrawn their objection.

1. Live Music – Indoors (E)
Recorded Music – Indoors (F)

Anything of a similar description to that falling within E/F/G – Indoors (H)
Provision of facilities for dancing – Indoors (J)

07.00 – 01.00 Monday – Sunday

Entertainment allowed an extra hour at New Year and 12 other agreed special occasions.

2. Late night refreshment – Indoors (L)

23.00 – 02.00 Monday – Thursday

23.00 – 03.00 Friday – Sunday

3. Supply of alcohol – On and off the premises (M)

07.00 – 01.00 Monday – Thursday

07.00 – 02.00 Friday – Sunday

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

06.00 – 02.00 Monday – Thursday

06.00 – 03.00 Friday – Saturday

Agreed conditions

Recorded music as background between 01.00 and 02.00

Entertainment allowed an extra hour at New Year and 12 other agreed special occasions.

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

The report indicated that two representations had been received to the application to vary from interested parties who reside close to the premises, relevant to the licensing objectives of Prevention of Public Nuisance. Neither attended the meeting to put forward their representations.

The Sub-Committee raised a number of pertinent issues with the applicant and his legal advisor and considered all the written and verbal evidence in the interest of the provisions 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 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.

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 representations, 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 attempted to minimise the impact of the licensable activities.

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 party and the applicant resolved to grant the application in the following amended form.

1. The Committee accept the revised hours of business as agreed between the Lancashire Police and the Applicant.
2. We also accept the additional conditions stated in Section Q of the submitted application.
3. In addition the Committee accepted the following condition offered up by the Applicant that any outside area used for consumption of alcohol shall cease to be used after 23.00 hours at all times.
4. The Licensee shall ensure that the area immediately surrounding the premises shall be cleared of glasses and bottles at the end of the licensable activities each day.

Chair