

# Statutory Licensing Sub-Committee B

**Monday, 17 October 2005**

**Present:** Councillor Miss I Iddon (Chair), Councillors Mrs D Dickinson and J Walker

**Also in attendance at the commencement of the meeting:** Councillor Mrs S Walsh

## **05.SLB.14 DECLARATIONS OF ANY INTERESTS**

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

## **05.SLB.15 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATES) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE BRETHERTON ARMS, 252 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 Bretherton Arms, 252 Eaves Lane, Chorley.

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

On New Years Eve, the permitted hours for the sale of alcohol and the provision of entertainment (if a PEL is in force) commence as set out above and extend to the start of the permitted hours on the following day as set out above, and the permitted hours for the provision of late night refreshment extend until 05:00 on the following day.

Current conditions/restrictions are those embedded conditions under the Licensing Act 1964.

The premises benefits from a Public Entertainments Licence the converted times are -

Monday - Sunday	11.00 until 23.00
Sunday	12.00 until 22.30

Public Entertainment converted activities are -

- Live music (E)
- Recorded music (F)
- Performance of dance (G)
- Anything of a similar description to that falling within E/F/G
- Making music (I)
- Dancing (J)
- Anything of a similar description to that falling with I/J

All Public Entertainments Licence conditions and restrictions are converted.

Supply of alcohol by retail on or 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

## Late night refreshment Hours

Monday - Saturday	22.00 - 23.00
Sunday, Christmas Day and Good Friday	22.00 - 23.00

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 the whilst Lancashire Police had formally withdrew their objection there still remained representation from one Interested Party who resided close to the premises based on the licensing objections of Prevention of Public Nuisance and Prevention of Crime and Disorder.

1. Provision of Regulated Entertainment  
Live Music - Indoors (E)  
19.00 - 23.30 Wednesday  
19.00 - 00.00 Friday and Saturday  
19.00 - 23.30 Sunday
2. Supply of Alcohol both on and off the premises (M)  
11.00 - 00.00 Monday - Thursday  
11.00 - 01.00 Friday and Saturday  
12.00 - 00.00 Sunday
3. Hours Premises are Open to the Public (O)  
11.00 - 01.00 Monday - Thursday  
11.00 - 02.00 Friday and Saturday  
12.00 - 01.00 Sunday

All non standard times remain unchanged from the original application. The report also outlined the additional measures that the applicant had indicated which would be taken to promote and ensure the achievement of the four relevant licensing objectives.

The Sub-Committee received representations from the single Interested Party and raised a number of 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 representations and the interested parties 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. Whilst the Committee took account of the interested parties 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 her 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.

The Committee recognised that the applicant has offered up conditions in her 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 1<sup>st</sup> protocol and the proportionality principle.

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

Live Music - Indoors

Wednesday	19.00 to 23.30
Friday and Saturday	19.00 to 00.00
Sunday	19.00 to 23.00

Sale of Alcohol on or off the premises

Monday - Thursday	11.00 to 00.00
Friday and Saturday	11.00 to 01.00
Sunday	12.00 to 00.00

Times premises are open

Monday to Thursday	11.00 to 01.00
Friday and Saturday	11.00 to 02.00
Sunday	12.00 to 01.00

Non Standard timings 11.00 to 01.00

Christmas Eve, Boxing Day, Easter Monday, New Years Day and on Sunday and Monday forming part of a Bank Holiday and closing times for premises on these occasions will be 11.00 to 02.00.

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 22.30
2. All doors and windows to be kept closed when regulated entertainment is taking place except in emergencies.
3. No Regulated Entertainment shall take place outside the premises in any areas within the licence holders control save for any special event seven days' notice of which has been given to the licensing authority and the police.

Licensing hours on New Years Eve for the supply of alcohol be granted in line with current legislation or any subsequent amendments.

Chair