

Statutory Licensing Sub-Committee A

Tuesday, 18 October 2005

Present: Councillor R Snape (Chair), Councillors Bedford and Mrs Walsh

05.SLA.22 DECLARATIONS OF ANY INTERESTS

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

05.SLA.23 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF ST JOSEPHS PARISH CENTRE, HARPERS 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 St Joseph's Parish Centre, Harpers Lane, Chorley.

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

Supply of alcohol by retain (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	No regulations - deregulated

Recorded music is also converted

Current conditions are those embedded conditions under the Licensing Act 1964 and the following conditions:

Sale of intoxicating liquor

1. No intoxicating liquor shall be sold or supplied on the premises otherwise than to:
 - (a) A member of the said club who has been a member for at least two days or whose nomination or application for membership was made at least two days before his/her admission or a bona fide guest of such a member admitted to the club under the rules of the said club.
 - (b) Persons attending bona fide pre-booked functions, events, conferences being held at the premises. A diary of such events to be kept at the premises for inspection by the Police, Licensing Officer or Magistrates.
 - (c) Members or supporters of visiting organisations, attending the premises in connection with an organised established competition or contest.
 - (d) Persons attending the church events/occasions being held at the premises.
2. There shall be no off sales from the premises except to a member in person.
3. There shall be rules of the club for the election of members, and a copy of such rules and any other rules shall be deposited with the clerk to the licensing justices and the chief officer of the police. Notice of any alteration in any of the

rules shall be given to the clerk to the justices and the chief officer of the police within twenty-eight days.

4. A list of names and addresses of all members of the said club shall be kept on the premises and produced on demand for inspection by a constable in uniform
5. No application shall be made under the authority of the licence for the grant of an occasional licence.

A copy of the application to vary the existing premises licence and allow the following licensable activities during the times indicated was attached to the submitted report.

1. Regulated Entertainment

i) Plays - Indoors (A)

11.00 - 00.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
11.00 - 00.00 Sunday

Function room occasionally used for performance of plays, pantomimes, nativity shows etc, in front of an audience. Possibility of hiring a room to theatre groups.

ii) Live Music - Indoors (E)

11.00 - 00.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
11.00 - 00.00 Sunday

Live entertainers will be engaged to perform live music in the premises live bands etc.

iii) Recorded Music - Indoors (F)

11.00 - 00.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
11.00 - 00.00 Sunday

The playing of recorded music will take place on the premises in the form of discos at family functions etc.

iv) Performance of Dance - Indoors (G)

11.00 - 00.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
11.00 - 00.00 Sunday

v) Provision of facilities for making music - Indoors (I)

11.00 - 00.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
11.00 - 00.00 Sunday

Karaoke

Karaoke will be by means of amplified equipment.

vi) Provision of facilities for dancing - Indoors (J)

11.00 - 00.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
11.00 - 00.00 Sunday

Dance floor provided in function room to enable dancing on the premises.

2. Late Night Refreshment - Indoors (L)

23.00 - 00.00 Monday - Thursday
23.00 - 01.00 Friday - Saturday
23.00 - 00.00 Sunday

Occasionally functions are accompanied by buffet or hot pot supper which may take place after 23.00

3. Supply of Alcohol - both on and off the premises (M)

11.00 - 00.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
11.00 - 00.00 Sunday

Non Standard timings

New Years Eve de-regulated and facility may be provided beyond hours stated.

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 no representations from Responsible Authorities however objections had been received from two parties residing close to the premises. The objections were relevant to the following licensing objectives, public safety and prevention of public nuisance. A representative attended the meeting to put forward the objections to the variation.

The Sub-Committee raised a number of pertinent issues within the applicant, the manager and the interested party representatives 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 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.

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, the committee also took account that there have been no representations from Environmental Health or Lancashire Police 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. The Committee have agreed those measures which have been offered up by the applicant 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 balancing the interests of the interested parties and the applicant resolved to grant the application as follows.

Regulated Entertainment

Monday - Thursday	11.00 - 00.00
Friday - Saturday	11.00 - 01.00
Sunday	11.00 - 00.00

Late Night Refreshments

Monday - Thursday	23.00 - 00.00
Friday - Saturday	23.00 - 01.00
Sunday	23.00 - 00.00

Supply of Alcohol - Both on and off the premises

Monday - Thursday	11.00 - 00.00
Friday - Saturday	11.00 - 01.00
Sunday	11.00 - 00.00

New Years Eve in accordance with current legislation or any subsequent legislation.

Hours the Premises to be Opened

Monday - Thursday	09.00 - 01.00
Friday - Saturday	09.00 - 02.00
Sunday	09.00 - 01.00

Agree to the removal of the conditions as sought.

The Committee impose the following conditions in the light of the representations received regarding the noise limiter.

1. Any amplified sound must be connected to a noise limiter or cut out device of a type and with settings approved by Environmental Services and be used at all times during entertainment.
Officers from Environmental Health Services Unit reserve the right to check the settings on the noise limiter at any reasonable time.
2. The applicant to use its best endeavours to ensure that the interested parties be given the opportunity to be in attendance with the Environmental Health Officer when the noise limiter is set.

Chair

