

Statutory Licensing Sub-Committee A

Tuesday, 18 October 2005

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

Also in attendance at the commencement of the meeting: Councillors Mrs I Smith

05.SLA.20 DECLARATIONS OF ANY INTERESTS

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

05.SLA.21 LICENSING ACT 2004(PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE HALFWAY HOUSE,470 PRESTON ROAD, CLAYTON-LE-WOODS, 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 Halfway House, 470 Preston Road, Clayton-le-Woods, Chorley.

The report stated that the current licensable activities were 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 - 23.00

Licensing Act 1964 embedded conditions and restrictions converted.

1. Regulated Entertainment

i) Live Music - Indoors (E)

11.00 - 24.00 Monday - Saturday
12.00 - 23.30 Sunday

Acoustic and amplified

Christmas Eve, St Patrick's Day and Boxing Day - An additional hour

Non-Standard timings

Not Applicable

ii) Recorded Music - Indoors (F)

11.00 - 24.00 Monday - Saturday
12.00 - 23.30 Sunday

Amplified

Christmas Eve, St Patrick's Day and Boxing Day - An additional hour

Non-Standard timings

Not Applicable

2. Supply of alcohol both on and off the premises (M)

11.00 - 24.00 Monday - Thursday

11.00 - 01.00 Friday - Saturday

12.00 - 23.30 Sunday

Christmas Eve, St Patrick's Day and Boxing Day - An additional hour

Non-Standard timings

Not Applicable

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

Non Standard Timings

An additional hour for all the Bank Holiday weekends, Friday to Sunday and St Patrick's Day.

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 representation from Responsible Authorities, however there had been six relevant representations received to the application to vary from interested parties who reside close to the premises based on the following licensing objectives:

Prevention of Public Nuisance
Public Safety
Prevention of Crime and Disorder

The Sub-Committee raised a number of pertinent issues with the applicant, her Area Manager as well as those interested parties attending the meeting. The Sub-Committee considered all the written and verbal evidence in the interest of the provision of the Councils 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 written and oral representations.

We have considered the guidance issued under S182 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 and that Lancashire Police had withdrawn their representation following discussions with the applicant.

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 objectives 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 noted that a significant number of representations related to concern how premises had operated in the past and took account of the fact that the current licensee has only recently been appointed to the premises.

The Committee recognised that the applicant has attempted to minimise the impact of the licensable activities through a detailed operating schedule.

The Committee also considered human rights implications, in particular Article 8 and Article 1 of the 1st Protocol of 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 terms.

Regulated Entertainment

i) Live Music - Indoors

11.00 - 23.00 Monday - Thursday
11.00 - 00.00 Friday - Saturday
12.00 - 23.00 on Sunday

Acoustic and Amplified

Non-Standard Timings

Not applicable.

ii) Recorded Music - Indoors

11.00 - 00.00 Monday - Thursday
11.00 - 00.00 Friday - Saturday
12.00 - 23.00 Sunday

Amplified

Non-Standard timings

Not Applicable

iii) Supply of alcohol both on and off the Premises

11.00 - 23.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
12.00 - 23.00 Sunday

iv) Hours Premises are open to the Public

11.00 - 00.00 Monday - Thursday

11.00 - 02.00 Friday - Saturday

12.00 - 00.00 Sunday

Bank Holidays Sunday/Monday, Boxing Day, Xmas Eve

- Hours Premises are Open to the Public

11.00 - 01.30

Supply of alcohol both on and off the premises

11.00 - 00.30

Live Music/Recorded Music

11.00 - 00.00

The Committee also impose the following additional conditions:

1. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
2. Any outside area that is used for consumption of alcohol shall cease to be used after 23.00 at all times.

Chair