

# Statutory Licensing Sub-Committee A

**Wednesday, 26 October 2005**

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

**Also in attendance at the commencement of the meeting:** Councillor T Gray

## **05.SLA.24 DECLARATIONS OF ANY INTERESTS**

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

## **05.SLA.25 LICENSING ACT 2003(PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES IN RESPECT OF SACRED HEART PARISH CENTRE, WORTHY STREET, 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 Sacred Heart Parish Centre, Worthy Street, 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 - 11.00 (next morning by virtue of the deregulation order)

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

### Sale of Intoxicating Liquor

1. Intoxicating liquor shall only be sold or supplied to the following persons:
  - (a) A Member of Sacred Heart Centre 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.
  - (b) A guest of such a member, bona fide entertained by him/her at their own expense.
  - (c) A person attending pre-arranged booked functions of which at least 48 hours notice has been given to the Chief of Police.
  - (d) Persons attending the club by virtue of their engagement or employment.
2. No intoxicating liquor shall be supplied for consumption off 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. No alteration shall be made to such rules without prior consent of the licensing justices. 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 fourteen 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

11.00 - 00.00 Monday - Sunday

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

- ii) Live Music - Indoors

11.00 - 00.00 Monday - Thursday  
11.00 - 01.00 Friday and 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

11.00 - 00.00 Monday - Thursday  
11.00 - 01.00 Friday and 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) Provision of facilities for making music - indoors

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

Karaoke by means of amplified equipment

- v) Provision of facilities for dancing - indoors

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

Dancing provided in function room to enable dancing on the premises

- 2 Supply of Alcohol - On or Off the Premises

11.00 - 00.00 Monday - Thursday

11.00 - 01.00 Friday and Saturday  
11.00 - 00.00 Sunday  
New Years Eve - deregulated and facility may be provided beyond hours stated.

3 Late Night Refreshment - Indoors

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

Occasionally functions accompanied by buffet or Hot Pot Supper which may take place after 23.00.

4 Hours Premises are open to public

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

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 objections had been received from two relevant representations and a petition received to the application to vary from interested parties who reside close to the premises. The objection was relevant to the following licensing objectives.

- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

The Sub-Committee raised a number of pertinent issues with the three interested parties attending the meeting as well as to the applicant and his representative. The Sub-Committee 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 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 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 also considered human rights implications in particular Article 8 and Article 1 of the 1<sup>st</sup> 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 form.

All regulated Entertainment

Monday - Sunday 11.00 to 00.00

Supply of Alcohol on or off the premises

Monday - Sunday 11.00 to 00.00

Late Night Refreshment

Monday - Sunday 23.00 to 00.00

Hours premises open to the public

Monday - Sunday 09.00 to 01.00

New Years Eve deregulated and facility may be provided beyond hours stated.

Subject to those conditions in the operating schedule the Committee also agreed to the following additional conditions.

1. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises inclusive of all doors.
2. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
3. The doors facing onto Worthy Street be designated emergency fire doors and fitted with alarms to ensure that they are only used as an emergency exit.
4. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
5. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly.
6. Door supervisors and other members of staff to request customers to leave quietly and have respect for their residential neighbours.
7. 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 the Environmental Services Unit reserve the right to check the settings on the noise limiter at any reasonable time.

Chair

