

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: Councillors Bedford and T Gray

05.SLA.26 DECLARATIONS OF ANY INTERESTS

The Chairman Councillor R Snape declared an interest in respect of the item included on the agenda and vacated the Chair and left the room during consideration of the item.

Councillor Mrs Smith chaired the meeting.

05.SLA.27 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE PARKERS ARMS, 120 PARK ROAD, 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 Parkers Arms, 120 Park Road, Chorley.

The report stated that the current licensable activities were 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 - terminal hour as existing

Recorded music is converted

Licensing Act 1964 embedded conditions and restrictions converted.

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) Films - Indoors (B)

11.00 - 02.00 Monday - Sunday

Non-Standard Timings

When hours for sale of alcohol are extended hereunder the hours are also extended.

ii) Indoor Sporting Events (C)

11.00 - 02.00 Monday - Sunday

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended

iii) Live Music - Indoors (E)

11.00 - 02.00 Monday - Sunday

Live music and amplified voice as stated in B1

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended

iv) Recorded Music - Indoors (F)

11.00 - 02.00 Monday - Sunday

Recorded music, including jukebox, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in B1

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

v) Performance of dance - Indoors (G)

09.00 - 02.00 Monday - Sunday

Non Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended

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

11.00 - 02.00 Monday - Sunday

To be used as and when required at any time when the premises are open for the sale of alcohol

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

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

11.00 - 02.00 Monday - Sunday

To be used as and when required at any time when the premises are open for the sale of alcohol

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended

2. Late Night Refreshment - Indoors (L)

23.00 - 02.00 Monday - Sunday

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended

3. Supply of alcohol both on and off the premises

11.00 - 02.00 Monday - Sunday

Non-Standard Timings

To the extent that the variation in Part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 02.00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open the same hour on up to 20 occasions per annum at the Licensee's discretion upon seven days notice prior to the Police (if required by them).

Part B1 - paragraph 4 - To allow the sale of alcohol and such regulated entertainment as specified in the appropriate boxes below.

New Years Eve: 10.00 to New Years Day - terminal hour as proposed.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon seven days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

When hours for sale of alcohol are extended hereunder these hours are also extended.

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

11.00 - 02.00 Monday - Sunday

To be used as and when required at any time when the premises are open for the sale of alcohol.

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

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

11.00 - 02.00 Monday - Sunday

To be used as and when required at any time when the premises are open for the sale of alcohol.

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

4. Late Night Refreshment - Indoors (L)

23.00 - 02.00 Monday - Sunday

Non-Standard Timings

When hours for sale of alcohol are extended hereunder these hours are also extended.

5. Supply of alcohol both on and off the premises

11.00 - 02.00 Monday - Sunday

Non-Standard Timings

To the extent that the variation in Part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 02.00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open the same hour on up to 20 occasions per annum at the Licensee's discretion upon 7 days notice prior to the Police (if required by them).

Part B1 - Paragraph 4 - To allow the sale of alcohol and such regulated entertainment as specified in the appropriate boxes below.

New Years Eve: 10.00 to New Years Day - terminal hour as proposed.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon seven days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

6. Hours premises are open to the Public

11.00 - 02.30 Monday - Sunday

The premises will close 30 minutes after the end of the non-standard timings.

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 representation from Responsible Authorities, the Police, however there had been withdrawn following agreement with the licensee and to the Police recommendation.

An objection had been received from an interested party residing close to the premises relevant to the prevention of public nuisance licensing objective, but did not attend the meeting.

The Sub-Committee raised a number of pertinent 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 and the interested party's 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.

Whilst the Committee took account of the interested party's representation on disturbance they have suffered, the Committee noted that there have been no representations from Environmental Health.

The Committee noted that the applicant had amended her application following discussion with the Lancashire Police.

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 offered up conditions in her operating schedule to minimise the impact on licensing objectives. However the Committee take the view that additional measures are required.

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 resolved to grant the application in the following amended form.

1. Films - Indoors (B)
Indoors sporting events (C)
Live Music - Indoors (E)
Recorded Music - Indoors (F)
Performance of dance - Indoors (G)
Provision of facilities for making music - Indoors (I)
Provision of facilities for dancing - Indoors (J)
All above - 11.00 - 00.00 Monday - Sunday
2. Late night refreshment - Indoors (L)
11.00 - 00.00 Sunday - Thursday
11.00 - 01.00 Friday - Saturday
3. Supply of alcohol - On and off the premises (M)
11.00 - 00.00 Sunday - Thursday
11.00 - 01.00 Friday - Saturday
4. Hour's premises are open to the public (O)
11.00 - 00.30 Sunday to Thursday
11.00 - 01.30 Friday - Saturday

Non Standard Timings

Friday, Saturday, Sunday and Monday, Bank Holiday weekends and Xmas Eve, Boxing Day and 12 events as applied for.

Regulated Entertainment

11.00 - 00.30

Alcohol

11.00 - 01.00

Late Night Refreshment

23.00 - 01.00

Premises open to public

New Years Eve - Regulated Entertainment and Late Night Refreshment in accordance with the sale of alcohol.

Alcohol as per current legislation.

The application was also granted subject to the conditions in the Operating Schedule and 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. The licensee shall ensure that the area immediately surrounding the premises shall be cleared of glasses and bottles at the end of licensable activities each day.
3. Any outside area that is used for consumption of alcohol shall cease to be used after 22.00 at all times.
4. Recorded music shall be played at background level from 00.00 until close.
5. Amplified entertainment shall cease at 00.00 at all times other than New Years Eve when amplified music shall cease at 00.30.
6. Seven days notice to be given to Lancashire Police and Licensing Authority in relation to the 12 additional events.

Chair