

Statutory Licensing Sub-Committee B

Tuesday, 1 November 2005

Present: Councillor Miss Iddon (Chair), Councillors Mrs D Dickinson and A Gee

Also present at the commencement of the meeting: Councillor E Smith

05.SLB.16 DECLARATIONS OF ANY INTERESTS

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

05.SLB.17 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE SIRLOIN, STATION ROAD, HOGHTON

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 Sirloin, Station Road, Hoghton.

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

Supply of alcohol 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

The premises have the two following conditions attached to the existing licence -

Intoxicating liquor shall not be sold, supplied or consumed in the part of the premises described as the restaurant other wise than to persons taking table meals there and for consumption by such to a person as an ancillary to his meal.

That windows of the first floor extension including the restaurant shall be double glazed and non-opening.

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

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

Wednesday and Saturday 11.00am - 23.00

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 within I/J

The premises has the following Public Entertainment special conditions of use -

The self closer on the external door should be replaced/repaired and adjusted to ensure that it does not stick in the open position.

The internal door-glazing panel shall be fitted with double or secondary acoustic glazing to a specification agreed with the Council.

The condition relates to the licensed area, which comprises of bar/lounge area/pool room/rear function room/cellar area/ancillary toilet accommodation and all means of escape there from.

The maximum number of persons permitted in the licensed area at any one time shall not exceed 100 persons.

All Public Entertainments Licence conditions and restrictions are converted.

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.

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 Lancashire Police had formally withdrawn their objection, however there still remained representations from Interested parties.

1. Provision of Regulated Entertainment
Live Music - Indoors (E)
Recorded Music - Indoors (F)
Provision of Facilities for dancing (J)

All above - 11.00 - 00.00 Monday - Sunday.
2. Late Night Refreshment Indoors (L)
23.00 - 00.30 Monday - Thursday
23.00 - 01.30 Friday and Saturday
23.00 - 23.30 Sunday
3. Supply of Alcohol - On and Off the Premises (M)
11.00 - 00.30 Monday - Thursday
11.00 - 01.30 Friday and Saturday
11.00 - 23.30 Sunday
4. Hours Premises are Open to the Public (O)
11.00 - 01.00 Monday - Thursday
11.00 - 02.00 Friday and Saturday
11.00 - 00.00 Sunday

Conditions agreed between the Police and applicant.

Recorded music at a reduced volume after 00.00 in wind down period so long as any music is 'inaudible' to the nearest noise sensitive location.

A further hours amplified entertainment should be allowed on New Years Eve/Xmas Eve and Boxing Day, with a further 12 days agreed seven days in advance by the Police and Council.

The Committee also outlined the additional measures that the applicant had indicated could be taken to promote and ensure the achievement of the four relevant licensing activities.

While there had been no representations from Responsible Authorities, there had been four relevant representatives received from neighbouring properties objecting to the application to vary relevant to the Licensing Objectives of Prevention of Public Nuisance and Prevention of Crime and Disorder.

The Interested parties attended the meeting to put forward their representations against granting the variation. The Licensee attended the meeting.

The Sub-Committee Members raised a number of pertinent issues with the applicant 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 the 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. 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 his application following those discussions.

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 recognises that the applicant has offered up conditions in his operating schedule to minimise the impact on licensing objectives. However, the Committee take the view that additional measures are required. 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 1st Protocol of the proportionality principle.

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

1. Live Music - Indoors (E)
Recorded Music - Indoors (F)
Provision of facilities for dancing (J) } 11.00 - 00.00 Monday - Sunday
2. Late Night Refreshment indoors (L)
23.00 - 00.30 Monday - Thursday
23.00 - 01.30 Friday and Saturday
23.00 - 23.30 Sunday
3. Supply of alcohol - On and off the premises (M)
11.00 - 00.30 Monday - Thursday
11.00 - 01.30 Friday - Saturday
11.00 - 23.30 Sunday
4. Hours premises are open to the public (O)
11.00 - 01.00 Monday - Thursday
11.00 - 02.00 Friday - Saturday
11.00 - 00.00 Sunday

A further hours amplified entertainment should be allowed on New Years Eve, Christmas Eve and Boxing Day with a further 12 days agreed, seven days in advance by the Police and Licensing Authority.

Additional conditions applied are:

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 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.
3. There shall be placed at all exits from the premises and in the car park, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
(Note, this may also include a reference to vehicles).
4. No outside areas (ie decking area) designated for the consumption of alcohol shall be used after 22.00 hours and all glasses and bottles should be removed at this time and a physical barrier placed across the entrance to emphasise the closure.

Chair