

Statutory Licensing Sub-Committee B

Tuesday, 1 November 2005

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

Also in attendance: Councillors Mrs I Smith

05.SLB.18 DECLARATIONS OF ANY INTERESTS

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

05.SLB.19 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE LEY INN, BACK LANE, CLAYTON-LE-WOODS

The Director of Legal Services submitted a report requesting the Sub Committee to determine an application for a premises Licence in respect of The Ley Inn, Back Lane, Clayton-le-Woods.

The report stated that the current licensable activities were as follows and at the times set out below:

1. Regulated Entertainment

i) Films – Indoors (B)

11.00 – 00.00	Sunday – Thursday
11.00 – 01.00	Friday to Saturday

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 as identified in box M such opening times for this purpose to be confirmed upon 7 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.

Non-Standard timings

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

ii) Indoor sporting events (C)

11.00 – 00.00	Monday – Thursday
11.00 – 01.00	Friday to Sunday

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 as identified in box M such opening times for this purpose to be confirmed upon 7 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.

Non-Standard timings

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

iv) Live Music – Indoors (E)

11.00 – 00.00 Monday – Thursday
11.00 – 01.00 Friday to Sunday

Live music and amplified voice as stated –

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 as identified in box M such opening times for this purpose to be confirmed upon 7 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.

Non-Standard timings

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

iv) Recorded Music – Indoors (F)

11.00 – 00.00 Monday – Thursday
11.00 – 01.00 Friday to 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 –

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 as identified in box M such opening times for this purpose to be confirmed upon 7 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.

Non-Standard timings

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

v) Performance of dance - Indoors (G)

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

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 as identified in box M such opening times for this purpose to be confirmed upon 7 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.

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 - 00.00 Monday - Thursday
11.00 - 01.00 Friday to Sunday

The normal facilities for making music will be on offer as conveniently available and as appropriate for this type of venue.

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 - 00.00 Monday - Thursday
11.00 - 01.00 Friday to 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)

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

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 as identified in box M such opening times for this purpose to be confirmed upon 7 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.

Non-Standard timings

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

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

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

Non Standard Timings

To the extent that the variation in part 3 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised

hereunder until 01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part 3 paragraph 4 is not granted to open the same hour on up to 12 occasions per annum at the Licensee's discretion upon 7 days notice prior to the Police.

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 purposes to be confirmed upon 7 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.

4. Hours Premises are open to the public (O)

11.00 - 00.30 Monday - Thursday
11.00 - 01.30 Friday to 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 which would be taken to provide and ensure the achievement of the four relevant licensing objectives.

While there had been no representations from Responsible Authorities, objections had been received to the application from interested parties who reside close to the premises. The objection was relevant to the following licensing objectives:

- Prevention of public nuisance
- Prevention of Crime and Disorder
- Public Safety

Copies of the representations in full were attached to the submitted report.

Four interested parties attended the meeting to put forward representations objecting to the licence.

The applicant along with his Business Development Manager from the brewery attended the meeting.

The Sub-Committee raised a number of pertinent issues with the applicant, and his representative as well as those Interested Parties attending the meeting. All 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. 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 recognised that the applicant has offered up conditions in his operating schedule to minimise the impact on licensing objectives. However the Committee take a view that additional measures are required. The Committee is also mindful of the interested parties residential amenity. The 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 form.

Regulated Entertainment Sections C, E, F, G, I, J

Monday - Thursday and Sunday 11.00 to 00.00

Friday and Saturday 11.00 to 01.00

Non standard timings - Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day and on 12 occasions per annum 11.00 to 01.00

Sale of alcohol on or off the premises

Monday - Thursday and Sunday 11.00 to 00.00

Friday and Saturday 11.00 to 01.00

Non standard timings - Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day and 12 occasions per annum 11.00 to 01.00

New Years Eve 10.00 to terminal hour

Late Night Refreshment

Monday - Thursday and Sunday 23.00 to 00.00

Friday and Saturday 23.00 to 01.00

Non standard timings 23.00 to 01.00

Time premises are open

Monday - Thursday and Sunday 11.00 to 00.30

Friday and Saturday 11.00 to 01.30

Non standard timings - Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and 12 occasions per annum 11.00 to 01.30

Subject to those conditions in the operating schedule and the following additional conditions.

1. No outside areas designated for consumption of alcohol shall be used after 22.00.

2. All doors and windows to be kept closed when regulated entertainment and/or provision of entertainment facilities for making music and dancing is taking place except in the event of an emergency.
3. The Licensee shall ensure that notices requesting customers to leave in a quiet and orderly manner are displayed and maintained at the exits to the premises and in the car park.
4. A personal licence holder shall be on the premises during the hours which intoxicating liquor is being sold, supplied or consumed by customers except in the case of an emergency.
5. The Licensee shall ensure that all the emergency exit doors are fitted with suitable devices to indicate any unauthorised opening.
6. The Licensee shall give the Police and the licensing authority 7 days notice in writing of the 12 non standard timings. Whilst not a condition of the licence we would strongly recommend that a sign be placed in a prominent position in the childrens play area to the effect that children should be supervised at all times.
7. 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.

Chair