

Statutory Licensing Sub-Committee A

Wednesday, 9 November 2005

Present: Councillor R Snape (Chair), Councillors T Gray and D Dickinson

05.SLA.28 DECLARATIONS OF ANY INTERESTS

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

05.SLA.29 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATES) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE WINDMILL, 311 THE GREEN, ECCLESTON

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 Windmill, 311 The Green, Ecclestone.

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.
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) Live music - Indoors and Outdoors

19.00 - 22.00 Monday - Thursday
17.00 - 00.00 Friday
12.00 - 00.00 Saturday and Sunday

Unamplified two people playing guitars on an ad hoc basis.

Outdoor performances only in good weather.

Non-Standard timings

None

ii) Recorded music - Indoors

09.00 - 01.00 Monday - Sunday

Jukebox and additional speakers

Non-Standard timings

None

2. Supply of alcohol

09.00 - 01.00 Monday - Sunday

Non Standard Timings
New Years Eve as de-regulated

3. Hours Premises are open to the public

09.00 - 01.30 Monday - Sunday

Non Standard Timings

New Years Eve as currently deregulated

There had been representation from Responsible Authorities, the Police, however these had been withdrawn following agreement from the Licensee to Police recommendations.

However objections had been received from eight interested parties relating to the undermentioned Licensing Objectives but no one attended the meeting.

Prevention of Public Nuisance
Prevention of Crime and Disorder
Public Safety
Protection of Children from Harm

The Sub-Committee raised a number of pertinent issues within 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 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 written representations on disturbance they have suffered, the Committee noted that the applicant had amended her application following discussion with Lancashire Police, accordingly the Police had withdrawn their objections.

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 attempted to minimise the impact of the licensable activities. 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 balancing the interests of the interested party and the applicant resolved to grant the application in the following amended form.

1. Live Music - Indoors

Monday - Thursday	19.00 - 22.00
Friday	17.00 - 00.00
Saturday	12.00 - 00.00
Sunday	12.00 - 23.00

Non Standard Timings - None.

2. Recorded Music - Indoors (F)

Sunday - Thursday	09.00 - 00.30
Friday and Saturday	09.00 - 01.30

Non Standard Timing - None.

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

Sunday - Thursday	09.00 - 23.30
Friday and Saturday	09.00 - 00.30
Sunday	09.00 - 23.30

Non Standard Timings
New Years Eve as de-regulated

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

Sunday - Thursday	09.00 - 00.30
Friday and Saturday	09.00 - 01.30
Sunday	09.00 - 00.30

Non Standard Timings
New Years Eve as currently de-regulated

Additional Agreed Conditions.

1. Amplified entertainment shall cease at 00.30 on Christmas Eve/Boxing Day and New Years Eve.
2. Recorded music (amplified or unamplified) to be played at a reduced volume after 00.00 ie as background only.

The Committee impose the following additional conditions.

1. No regulated Entertainment to take place in any outside designated area, whether for the consumption of alcohol or not, after 21.00

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 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.
4. Signs to be erected in the Windmill and the car park of the premises requesting that customers leaving the premises do so quietly and with consideration to neighbours.
5. Any outside area that is used for consumption of alcohol shall cease to be used after 22.00 at all times

Chair