

## Statutory Licensing Sub-Committee B

**Monday, 21 November 2005**

**Present:** Councillor Miss I Iddon (Chair) Councillors D Dickinson and Mrs S Walsh

**Also present at the commencement of the meeting:** Councillor T Bedford

### **05.SLB.20 DECLARATIONS OF ANY INTERESTS**

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

### **05.SLB.21 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATE) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF GWOK HING CHINESE TAKEAWAY, 209 EAVES LANE, CHORLEY**

The Director of Legal Services submitted a report requesting the Sub-Committee to determine an application for a premises licence in respect of the Gwok Hing Chinese takeaway, 209 Eaves Lane, Chorley.

The report stated that the requested licensable activities were as follows:

Late Night Refreshment Indoors (L)  
16.30 – 00.00 Monday to Sunday  
Chinese Takeaway selling hot food consumed off the premises.

Hours premises are open to the public (O)  
16.30 – 00.00 Monday to 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.

While there had been no representations from Responsible Authorities there had been one relevant representation received to the application on the following licensable objectives, of Prevention of Public Nuisance and Public Safety.

The Sub-Committee members raised a number of pertinent issues with the applicant and his representative 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 the representations and relevant factors, the Sub-Committee arrived at the following unanimous **DECISION**:

The Licensing Sub-Committee have considered carefully the applicants representations and the interested parties written 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 wrote representations. There have been no representations from Environmental Health or Lancashire Police.

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.

The Committee recognised that the applicant has offered up conditions in his operating schedule to minimise the impact on licensing objectives. 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 1<sup>st</sup> protocol and the proportionality principle.

In considering all the above factors the Committee resolved to grant the application as applied for with one additional condition.

A sufficient number of bins used for disposal of waste must continue to be stored in their own yard and must be emptied regularly in order to avoid any overflow of waste from these bins.

Chair