

Statutory Licensing Sub-Committee A

Monday, 21 November 2005

Present: Councillor R Snape (Chair), Councillors Mrs I Smith and D Dickinson

05.SLA.30 DECLARATIONS OF ANY INTERESTS

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

05.SLA.31 LICENSING ACT 2003 (PREMISES AND CLUB PREMISES CERTIFICATES) REGULATIONS 2003 - APPLICATION TO VARY PREMISES LICENSE IN RESPECT OF THE ROSE AND CROWN, SOUTHPORT ROAD, ULNES WALTON

The Director of Legal Services submitted a report requesting the Sub-Committee to determine an application for a premises licence in respect of The Rose and Crown, Southport Road, Ulnes Walton.

A copy of the application to be granted was attached to the report on the following licensable activities and at the times set out below.

1. Regulated Entertainment

i) Films - Indoors (B)

9.00 - 00.00 Monday - Sunday

Non-Standard timings

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

ii) Indoor sporting events (C)

9.00 - 00.00 Monday - Sunday

Non-Standard timings

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

iii) Live Music - Indoors (E)

9.00 - 00.00 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)

9.00 - 00.00 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)

9.00 - 00.00 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)

9.00 - 00.00 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)

9.00 - 00.00 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 - 00.00	Monday - Thursday
23.00 - 02.00	Friday and Saturday
23.00 - 01.00	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 (M)

09.00 - 00.00	Monday - Thursday
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09.00 - 01.00 Friday and Saturday
09.00 - 00.00 Sunday
Non Standard Timings

To the extent that part 3 paragraph 4 is not granted or does not permit: the 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 part 3 paragraph 4 is not granted to open to the same hour on up to 12 occasions per annum at the Licensee's discretion upon seven days notice prior to the Police (if required by them)

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.

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

9.00 - 00.30 Monday - Thursday
9.00 - 02.30 Friday and Saturday
9.00 - 01.30 Sunday

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

The report outlined the additional measures that the applicant had indicated would be taken to promote and ensure the achievement of the four relevant licensing objectives.

The Sub-Committee raised a number of pertinent issues with the applicant, her legal adviser and brewery 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.

Three residents attended the meeting to put forward their objections to the variation.

Whilst the parties were discussing the timings of the variation the applicant made the following correction.

2. Provision of facilities for making music - Indoors (I)
Provision of facilities for dancing - Indoors (J)
Both above.

09.00 - 00.00 Monday - Thursday
09.00 - 01.30 Friday and Saturday*
09.00 - 00.00 Sunday*

3. Late night refreshment - Indoors (L)

23.00 - 00.00 Monday - Thursday
23.00 - 01.30 Friday and Saturday*
23.00 - 00.00 Sunday*

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

09.00 - 00.30 Monday - Thursday
09.00 - 01.30 Friday and Saturday*

09.00 - 00.30 Sunday*

* corrected timings

After taking account of all representations and related 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 the Council's Statement of Licensing Policy, in particular those paragraphs referred to in the report.

The Committee took account of the interested parties representations on disturbance they had suffered. The Committee has noted the written representations made by Environmental Health in the form of two conditions and that Lancashire Police have withdrawn their representations following discussions with the applicant. The Committee noted that the applicant has amended her 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 the 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 will take the view that additional measures are required.

The Committee also considered human rights implications, in particular Article 8 and Article 1 of the First Protocol and the proportionality principle.

In considering all the above factors, the Committee balancing the interests of the interested parties and the applicant resolved to grant the application in the following amended form:

Regulated Entertainment

Films (Indoors) (B)
Indoor Sporting Events (C)
Live Music (Indoors) (E)
Recorded Music (Indoors) (F)
Performance of Dance (Indoors) (G)
09.00 – 00.00 Monday to Sunday

Non Standard Timings

Christmas Eve, Boxing Day and New Years Eve 09.00 – 01.00

Provision of Facilities for Making Music (Indoors) (I)
Provision of Facilities for Dancing (Indoors) (J)

Sunday – Thursday 09.00 – 00.00
Friday and Saturday 09.00 – 01.30

Non Standard Timings

Christmas Eve, Boxing Day and New Years Eve 09.00 – 01.00

Late Night Refreshment (Indoors) (L)

Sunday – Thursday 23.00 – 00.00

Friday and Saturday 23.00 – 01.30

Non-Standard Timings

Christmas Eve, Boxing Day and New Years Eve 09.00 – 01.00

Supply of alcohol (on or off the premises) (M)

Sunday – Thursday 09.00 – 00.00

Friday and Saturday 09.00 – 01.00

Non Standard Timings

Christmas Eve and Boxing Day 09.00 – 01.00

New Years Eve as current Deregulation Order

Hours premises are open to the Public (O)

Sunday – Thursday 09.00 – 00.30

Friday and Saturday 09.00 – 01.30

Non Standard Timings

Christmas Eve and Boxing Day

Premises to be closed 30 minutes after the end of non-standard timings.

Subject to conditions in the operating schedule, the following additional conditions agreed between the applicant and the Police.

- 1) Latest time for any amplified entertainment is 00.00 (excepting non standard timings).
- 2) Recorded music shall be played at a reduced volume after 00.00 ensuring it is inaudible to the nearest noise sensitive location.
- 3) An additional 12 events at non-standard timings per year with seven days notice given to the Police and the Licensing Authority.

The Committee imposes 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) Signs to be erected in the car park of the premises requesting that customers leaving the premises do so quietly and with consideration to neighbours.
- 3) Any outside area that is used for the consumption of alcohol shall cease to be used after 22.00 hours at all times.

Chair