

Licensing Act 2003 Sub-Committee

Thursday, 14 June 2012

Present: Councillor Anthony Gee (Chair) and Councillors Paul Leadbetter and John Walker

Also in attendance: Councillors Harold Heaton (Chisnall Ward)

12.LAS.13 APOLOGIES FOR ABSENCE

There were no apologies for absence.

12.LAS.14 DECLARATIONS OF ANY INTERESTS

No declarations of any interest were received.

12.LAS.15 DETERMINATION OF APPLICATION FOR A PREMISES LICENCE MADE UNDER SECTION 17 OF THE LICENSING ACT 2003, FOR THE PREMISES BAKU LOUNGE.

The Licensing Sub Committee considered the application for the granting of a premises licence made by Mr Martin Jones of Baku Lounges Limited, Charter House, Pittman Way, Preston PR2 9ZD in respect of Baku Lounge, Preston Road, Charnock Richard, Chorley in light of representations made towards the application under Section 18 of the Licensing Act 2003.

The Council had received an application on 18 April 2012 and officers were invited by the applicant to discuss the application prior to its submission to provide clarity to the proposed application as the premises from a whole benefits from an existing premises licence for the Hunters Lodge Hotel.

The applicant, Mr Jones was explicit in that he was providing a new venture and did not want to be seen in any way to be associated with the licensable activities that are established at Hunters Lodge Hotel. Mr Hunt, the premises licence holder at the Hunters Lodge Hotel had agreed to apply to vary his premises licence to remove from the plan of his premises licence the area being applied for within this application.

Lancashire Constabulary, along with officers from the Council met with Mr Jones to discuss the proposed operating schedule and Mr Jones agreed to a number of additional conditions being attached to the licence..

The Licensing Sub Committee has carefully considered the applicant's written and verbal representations for the application for the granting of a premises licence and have also taken into account all the representations both written and verbal that had been made by local residents who were objecting to the proposals.

Members noted that no responsible authorities had made representations about the application. Members considered that the concerns expressed about highway safety and the issues reported regarding the current premises, held by a different premises licence holder, which has not been in use for some time are not grounds for refusing the application or for imposing further conditions.

Members also considered that the conditions proposed by the applicant subject to the amendments below are sufficient to meeting the licensing objectives.

The Sub Committee have considered the amended guidance issued under Section 182 of the Licensing Act, together with the Council's Statement of Licensing Policy, in particular those paragraphs referred to within the report. The Sub Committee also considered Human Rights implications, in particular Article 6, Article 8 and Article 1 of the First Protocol of the Proportionality Principle and the changes to the Act that have been made by the Police Reform and Social Responsibility Act 2011.

The Sub Committee **RESOLVED (2:1) to grant the application as set out in the report subject to two amendments:**

The condition at paragraph 6(a) of the report shall read "To close all doors and windows at 22.00 when regulated entertainment is being provided, save for access and egress.

The condition at paragraph 6(c) shall read "to provide signage to the exits for the premises, around the decking area and in the smoking area to 1) alert patrons to proceed with care when leaving the premises 2) to please leave quietly having respect for neighbours when leaving the premises.

Those persons who made relevant representations within the statutory period have the right to appeal to the local magistrates' court within 21 days of receiving notice of this decision.

The applicant has the right of appeal against the imposition of conditions on the licence within the same period.

Chair