

# APPENDIX A

## STATUTORY LICENSING SUB-COMMITTEE B

19 DECEMBER 2005

### THE STEP INN, HOLLINSHEAD STREET, CHORLEY

The Licensing Sub-Committee have considered carefully the applicants representations 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 past disturbances they have suffered. There have been no representations from Environmental Health and 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. 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. The Committee is also mindful of the interested parties residential amenity. The Sub-Committee has to achieve a balanced approach to these difficult issues 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 1<sup>st</sup> protocol and the proportionality principle.

In considering all the above factors the Committee resolved to grant the application in the following amended form.

1. Regulated Entertainment

i) Films - Indoors (B)

08.00 - 01.00 Sunday - Thursday  
08.00 - 02.00 Friday and Saturday

Video Entertainment on TV screens and amusement machines

Non-Standard timings

When opening hours are extended on Christmas Eve, Boxing Day and Bank Holiday weekends, these hours follow the opening hours.

ii) Indoor sporting events (C)

08.00 - 01.00 Sunday - Thursday  
08.00 - 02.00 Friday and Saturday

Non-Standard timings

When opening hours are extended on Christmas Eve, Boxing Day and Bank Holiday weekends, these hours follow the opening hours.

iii) Live Music Indoors (E)

08.00 - 00.00 Sunday - Thursday  
08.00 - 01.00 Friday and Saturday

Amplified or acoustic live music performance by one or more artist

iv) Recorded Music - Indoors (F)

08.00 - 01.00 Sunday - Thursday  
08.00 - 02.00 Friday and Saturday

Recorded music to be at background level for last hour ie from 00.00 Sunday - Thursday and 01.00 Friday and Saturday.

Non-Standard timings

When opening hours are extended on Christmas Eve, Boxing Day and Bank Holiday weekends, these hours follow the opening hours.

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

08.00 - 03.00 Friday and Saturday.

08.00 - 02.00 Sunday - Thursday.

08.00 New Years Eve to 03.00 New Years Day.

09.00 - 03.00 on Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day.

Subject to those conditions in the operating schedule and 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. 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.
3. Customers shall not be permitted to congregate and consume alcohol sold or supplied by the premises within the external areas of the premises in the licence holders control. The removal of alcohol from the premises shall be prevented, if it is intended for such a purpose.
4. Door supervisors to be positioned at each entrance/exit (other than fire exits) to ensure that no customer leaves with any bottles or glasses.
5. The CCTV system installed at the premises shall be used to record during all hours that the premises are open to the public and the images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.

Chair.

# APPENDIX B

## STATUTORY LICENSING SUB-COMMITTEE A

HEARING DATE – Monday 18 June/Thursday 21 June 2007

### Application for a review of a licence in respect of the Swan with Two Necks, Hollinshead Street, Chorley PR7 1EP

The Licensing Sub-Committee have considered carefully the representations made by Environmental Health relating to the application of a review of premises licence for Swan with Two Necks. The Committee have also carefully considered the representations made by Mr and Mrs Hogan in response to the application.

The Licensing Committee have considered the guidance issued under Section 182 of the Act together with the Council's Licensing Policy, in particular those paragraphs referred to in the report.

The Committee considers that every holder of a premises licence and designated premises supervisor is responsible for minimising the impact of licensable activities at their premises. It is also aware of the importance of the licence trade to the local economy as well as in social and cultural terms.

The Licensing Sub Committee has to achieve a balanced approach to these difficult issues.

Committee is aware that the Licensing Policy indicates that substantiated nuisance complaints will be taken into account particularly when a statutory notice has been served. The Committee note that a notice under the Environmental Protection Act 1990 has been served in respect of the premises. The Committee has also heard evidence by tape recording of the alleged nuisance.

The Committee have also considered the steps that the premises licence holder has taken to measure and minimise any noise emanating from the premises and their representations in relation to the noise itself emanating from the premises.

The Sub-Committee also considered Human Rights Act implications in particular Article 8 and Article 1 of the First Protocol. These are not absolute rights but qualified ones and in reaching this decision the Committee have considered the proportionality principle.

The Sub-Committee has also considered the representations from Environmental Health.

In considering the above factors the Sub-Committee balancing the interests of the interested parties and the applicant has resolved that the hours of licensable activities shall remain as existing. The existing conditions remain the same, and further conditions be attached as follows to the Premises Licence:

1. Any amplified sound must be connected to a noise limiter or cut out device of a type and with settings approved by Environmental Services and be used at all times during entertainment. Officers from the Environmental Services Unit reserve the right to check the settings on the noise limiter at any reasonable time.
2. The Licensee shall ensure that the noise limiting or cut out device is not tampered with, by-passed or adjusted in any manner without the consent of the Environmental Services Unit.
3. The Licensee shall ensure that the noise limiter or cut out device is working at all times and will not hold public entertainment in the event that the noise limiter or cut out device ceases

to work. Environmental Services should be notified of any fault as soon as is reasonably practicable.

4. Environmental Services should be notified within 24 hours of any amendment or adaptation to the entertainment equipment (ie amplifiers and speakers) or noise limiter/cut out device in place at the time the licence is granted.
5. The time limit being 2 months from the date of this hearing.

The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation.