

MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE Monday, 8 October 2018

MEMBERS PRESENT: Councillor Marion Lowe (Chair) and Councillors Steve Holgate and John Walker

OFFICERS: Tracy Brzozowski (Customer Services Manager (Enforcement)), Nathan Howson (Enforcement Team Leader (Licensing)), Jodi Ingram (Solicitor), Nina Neisser (Democratic and Member Services Officer) and Philippa Braithwaite (Democratic and Member Services Officer)

17.LAS.83 Declarations of Any Interests

No declarations of any interests were received.

17.LAS.84 Procedure

The Chair outlined the procedure to be used to conduct the meeting.

17.LAS.85 Application for a Premises Licence under Section 17 of the Licensing Act 2003 for the Pride of Aggi

The Sub-Committee considered a report which advised Members of an application for a premises licence to be granted under Section 17 of the Licensing Act 2003, to which relevant representations had been received.

The applicant and his representative attended the meeting to make their representations to the Sub-Committee. A neighbouring resident who had made relevant representations was also in attendance to make her representations to the Sub-Committee.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that on 14 August 2018, an application for a premises licence to be granted was received. The application sought to authorise the following licensable activities;

Licensable Activity	Proposed Hours
Provision of Live Music (Indoors)	Sunday- Thursday: 23:00- 23:30hrs Friday- Saturday: 23:00- 00:00hrs
Provision of Recorded Music (Indoors)	Sunday- Thursday: 23:00- 23:30hrs Friday- Saturday: 23:00- 00:30hrs
Provision of Performances of Dance (Indoors)	Monday- Thursday: 12:00- 23:30hrs Friday- Sunday: 12:00- 00:30hrs

Provision of Any Similar Entertainment (Indoors)	Sunday- Thursday: 23:00- 23:30hrs Friday- Saturday: 23:00- 00:30hrs
Sale of Alcohol (On and Off Sales)	Sunday- Thursday: 12:00- 23:30hrs Friday- Saturday: 12:00- 00:30hrs

The application also sought to authorise licensable activities for the following non-standard timings: *The day proceeding all bank holidays to be as per Friday and Saturday operating hours. All licensable activities (excluding Provision of Live Music) shall be permitted from the terminal hour on New Year's Eve until 12:00hrs on New Year's Day. The terminal hour for Provision of Live Music on New Year's Eve shall be 01:00hrs on New Year's Day.*

It was understood that following consultation with Lancashire Constabulary, the applicant agreed to amend the non-standard timings, in relation to New Year's Eve and all activities to 01:30hrs on New Year's Day. The applicant also provided a comprehensive operating schedule of the measures intended to promote the licensing objectives. Following consultation with Lancashire Constabulary, the applicant agreed to operate and maintain a CCTV system to be in use during all times licensable activities were taking place at the premises, the details of which were provided in the report.

On 21 August 2018, a representation was received from a neighbouring resident on Babylon Lane. The representation concerned the likely effect of the grant of the licence on the Prevention of Public Nuisance objective. Members were to determine how much weight should be placed on it.

The applicant's representative drew Members attention to point 3.4.2 of the Statement of Licensing Policy where it encouraged negotiation between parties to hopefully negate the need for a hearing. It was advised that a mediation meeting had been arranged between the applicant and neighbouring resident. The applicant offered his personal phone number for anyone who may have had any concerns regarding the premises and application as he did not want to alienate residents. However, the resident later thought mediation was not appropriate and therefore the meeting was cancelled. The applicant felt that had the meeting taken place, he could have given some reassurances and was willing to compromise with conditions and offer additional actions such as soundproofing on the adjoining wall of the property. Members were informed that the roof of the building had already been sound proofed.

The applicant's representative took photographs as supplementary evidence when attending the address for a meeting with the applicant. He highlighted how busy and noisy the junction was and advised that the neighbouring residents property was situated directly opposite the beer garden of a large pub which could get very busy, especially during the summer months. The pub also benefitted from a 2.00am licence at weekends and 1.00am during the week. The property was surrounded by commercial premises on all sides and all within 100 metres there was two takeaways which had midnight licences, another with a 1.00am licence at weekends and a busy Tesco which had an 11.00pm licence.

The number of micro bars across the country was increasing and Chorley benefitted from several. Micro bars were predominantly aimed at people who enjoy different kinds of guest beers and provide a quieter setting in comparison to the larger, noisier

pubs. It was advised that the Fire Authority did not limit the amount of people permitted in the premises at one time; this was a responsibility for the owner to consider.

Members were reassured that any background music would amount to no louder than that of a TV. Although the provision of Live Music would be considered in the granting of the licence, the applicant advised that it was likely that this would not be used on a regular basis and provided reassurances that advanced notification would be given to neighbours if there was. The windows and doors could also be kept shut to prevent noise disruption.

The neighbouring resident informed the Committee that she lived next door to the premises on Babylon Lane and was concerned about the noise which would be generated from the premises and the effect this would have on her two young children. She held concerns regarding the noise in the back yard and potential bad language/smoke that would come over from the smoking shelter. She also advised that her children were asleep by 7.30pm and therefore the noise from emptying bins up until 9.30pm would also be a disturbance.

She had been living in the neighbouring property since June this year, and expressed that had there already been a drinking establishment next door her family would not have moved in. If the application was approved she feared it would leave her family in jeopardy with no other option but to move. She was supportive of local businesses and had no issue with the other surrounding businesses however did not feel this was a suitable application.

Following these concerns, the applicant advised that a sealed smoking shelter with sound proofing could be erected in addition to raising the fence in order to prevent noise and smoke pollution escaping to the neighbouring property. It was also proposed that the bins would be emptied no later than 7pm to minimise noise disruption. The applicant was prepared to offer additional conditions if required as he wanted to work alongside neighbours and to ensure no animosity in the process.

After careful consideration of the representations of the Applicant and the Objectors, and having regard to the guidance issued under S182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy, the Licensing Act 2003 Sub-Committee **RESOLVED to grant the application subject to mandatory conditions and the conditions proposed by the applicant in the operating schedule or where amendments to the conditions have been suggested in the report then as amended and set out in the body of the report. In addition the following conditions to be added to the Premises Licence as members consider them to be appropriate for the promotion of the public nuisance licensing objective;**

- 1. To ensure that the smoking shelter is effectively covered so as to minimise smoke escaping from the premises.**
- 2. Not to empty the bins any later than 7pm.**
- 3. To keep windows closed during the provision of live music.**

Members were concerned about noise and smoke emanating from the premises and the impact this may have on the surrounding neighbours. Members felt the conditions are appropriate in order to minimise smoke and noise disturbance

escaping from the premises and for the promotion of the public nuisance licensing objective.

Members also recommended that the applicant sound proofed the adjoining walls between the premises and neighbouring properties to minimise the escape of noise, but it is to be noted that this does not form part of the conditions attached to the premises licence.

The applicant and any person making relevant representations has the right to appeal to the Magistrates Court within 21 days of receiving this notice.

Chair

Date