

LICENSING SUB-COMMITTEE

HELD:11 JANUARY 2011

Start: 10.15am

Finish: 3.10pm

PRESENT: Councillor Kay (In the Chair)

Councillors: Jones
Ms. Melling

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Ms. M. Murray)
Member Services Officer (Mrs. J. Brown)
Environmental Protection and Community Safety Manager
(Mr. A. Hill)

In attendance: Mr. J. Coen (Ford & Warren Solicitors)
Police Sergeant 1506 A. Bushell (Lancashire Constabulary)
Mr S. Leatherbarrow (DPS, Waters Edge)
Mrs. Leatherbarrow (Waters Edge)

32. APOLOGIES

There were no apologies for absence received.

33. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

34. URGENT BUSINESS

There were no items of urgent business.

35. DECLARATIONS OF INTEREST

There were no declarations of interest.

36. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

37. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

38. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committees held 16 and 22 December 2010 be received as a correct record and signed by the Chairman.

39. APPLICATION FOR A REVIEW IN RESPECT OF A PREMISES LICENCE IN RESPECT OF WATERS EDGE, MILL LANE, APPLEY BRIDGE.

Consideration was given to the report of the Executive Manager Community Services as contained on pages 211 to 272 of the Book of Reports in respect of a review of the Premises Licence at Waters Edge, Mill Lane, Appley Bridge.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act. It considered the relevant objectives on this occasion was the prevention of Public Nuisance and the Prevention of Crime and Disorder.

On hearing evidence from the Complainants, Environmental Health Officers and Police, the Sub – Committee concluded that the complaints arose since the appointment of the present Designated Premises Supervisor. The Sub – Committee found that the Designated Premises Supervisor was failing to control the premises and patrons up to the required standard, a conclusion supported by the Police who recommended that the Designated Premises Supervisor be removed.

There was an issue on whether the Premises Licence Holder received a copy of the Noise Abatement Notice, which it would appear that the Designated Premises Supervisor had breached, however since the instigation of this review the situation had not improved and therefore gave the Sub – Committee no indication that Punch Taverns could resolve the issues with the Designated Premises Supervisor if he was kept in position.

The Sub – Committee also heard from Environmental Health Officers that the current Designated Premises Supervisor did not appear to be taking seriously the need to resolve the difficulties referred to in the report from the Executive Manager Community Services, and that had led Officers to doubt the suitability of the Designated premises Supervisor to continue to manage the premises.

The Sub - Committee concluded that, despite the service of a Noise Abatement Notice, there had been no improvement in relation to the problems experienced on the site and this led to the view that it was unlikely that the site owners, Punch Taverns, would be able to resolve the issues while the Designated Premises Supervisor remained in position.

In reaching its decision the Sub – Committee noted that the possession of a Licence meant that the Human Rights Act 1988 applied and took this into consideration as well as all representations made by the Council's Environmental Protection Manager, Lancashire Constabulary, members of the public and representatives of Punch Taverns and the Designated Premises Supervisor.

RESOLVED: A. That In accordance with the Licensing Act 2003 Section 54 (4) (c) the Designated Premises Supervisor be removed within 21 days.

B. That the present Premises Licence be amended as follows:-

1. That no equipment capable of amplifying sound shall be used in the outside covered area. For the avoidance of doubt this includes television and speakers.
2. That the condition allowing live music (including karaoke) is revoked.
3. That the sale of alcohol and supply of recorded music on Friday and Saturday nights shall be reduced from 00.30 hours to 00.00 hours (midnight)
4. That the hours the premises are open to the public shall be reduced on Friday and Saturday nights from 01.00 hours to 00.30 hours.
5. That the Designated Premises Supervisor or a senior member of staff shall be present on the premises at all times patrons are present.
6. That no alcohol shall be taken or consumed outside the premises from 22.00 hours on any day.
7. That under Annex 2, section starting 'where a supper hours certificate is in force', where there is a children's certificate and the paragraph starting 'in this condition "bar" be removed.
8. That under the section headed 'conditions attached regarding a Minor Variation on 19 January 2010', all conditions relating to live music and D.J's and amplified voices be removed.
9. That under Annex 3, the condition relating to music and D.J's and amplified voices remain in place subject to the time being amended to 21.00 hours.

-CHARMAN-