

LICENSING SUB-COMMITTEE (A)

HELD: 26 NOVEMBER 2007

Start: 10.00am

Finish: 1.25pm

PRESENT:

Councillor Forshaw
Jones
Kay

Officers Public Protection and Licensing Manager
Assistant Solicitor (JB)
Licensing Officer (SM)
Member Services Officer (JAJ)

8. APOLOGIES

There were no apologies for absence received.

9. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor Carson and the appointment of Councillor Jones for this meeting only, thereby giving effect to the wishes of the political groups.

10. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

13. MINUTES OF MEETING OF LICENSING SUB-COMMITTEE (A) HELD ON MONDAY 3 SEPTEMBER 2007.

RESOLVED: That the minutes of the meeting held on the 3 September 2007 be received as a correct record and signed by the Chairman.

14. LICENSING COMMITTEE 2003 - HEARING REVIEW PROCEDURE

The Chairman referred to the above procedure.

15. APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF THE BELLAGIO, 20 SPRINGFIELD ROAD, AUGHTON, ORMSKIRK, WEST LANCASHIRE.

Consideration was given to a report of the Executive Manager Community Services (as contained on pages 141 to 236 of the Book of Reports) in relation to the above application in respect of which representations had been made.

The Sub-Committee had regard to its Licensing Policy and the Guidance issued under S.182 of the Act. It considered that the licensing objective on this occasion was the prevention of public nuisance.

The Sub-Committee were satisfied that the objections raised by Environmental Protection, the Police and the public were valid. They believed that the premises, whether it be the Designated Premises Supervisor or the Licence Holder, have had sufficient notices and sufficient time to correct what had become a serious situation.

The Sub-Committee were not convinced by the submissions of Mr. Barry that either the DPS or the Premises Licence Holder were not aware of the problems. The Committee therefore decided to vary the Licence in the hope that the decisions made would satisfy the concerns of Environmental Protection, the Police and the public.

However, the Sub-Committee were encouraged that at last the Management had taken some steps themselves to deal with the problems, and welcomed the efforts that had been made with regard to the meeting held on the 28 October 2007 and hoped that this liaison with the residents would continue.

The Sub-Committee considered all the options available to them, including the suspension of the licence, but decided to take a more moderate view as stated below.

The Sub-Committee reminded the Management of their responsibilities under the Licensing Act with regard to their patrons leaving the premises and still within the immediate vicinity of the premises.

On this occasion the Sub-Committee decided not to reduce the non-standard timings previously approved.

Having taken all the representations into account the Sub-Committee decided that the premises licence be varied as follows:-

The Sub-Committee were satisfied that the objections raised by Environmental Protection, the Police and the public were valid. They believed that the premises, whether it be the Designated Premises Supervisor or the Licence Holder, **had** had sufficient notices and sufficient time to correct what had become a serious situation.

- RESOLVED:-**
- (A) That the standard hours for all regulated entertainment shall be 11.00am until 10.30pm.
 - (B) That the supply of alcohol will cease at 11.30pm
 - (C) That the provision of late night refreshment will also cease at 11.30pm.
 - (D) That patrons shall not be permitted to remain on the premises after 12 midnight.
 - (E) That a designated taxi pick up point at the rear of the restaurant be implemented and monitored as suggested by the Management.
 - (F) That the private transport provided from time to time by the Management shall collect passengers at the adjoining boat yard.
 - (G) That noise shall not emanate from the premises so as to cause nuisance to neighbours.

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- CHAIRMAN -