

LICENSING SUB-COMMITTEE

Thursday, 27th September, 2012

Present:- Cllr Hambleton – in the Chair

Councillors Eastwood and Mrs Simpson

1. AGENDA FOR THE BOUGHEY ARMS, APPLICATION TO VARY LICENCE

Having taken into account the Licensing Act 2003 and the guidance issued under Section 182 of the Act, the Councils statement of Licensing Policy and also the fact that the Police had objected to the application on the basis that to grant the application would undermine the Crime and Disorder objective but that such objection had been withdrawn on the basis that an agreement had been reached between the parties as to the imposition of suitable conditions on the Licence.

Residents objections to the granting of a Licence on the basis of Public Nuisance had also been taken into account.

The Committee considered that Licensing objective in the light of what had been said and listened to the arguments and were persuaded that in view of what had been said by the residents living in the vicinity of the premises and the evidence given by them. The Committee considered that it would be appropriate to impose conditions upon the applicants licence in order to promote the Licensing objectives.

The applicant drew the Committees attention to the Daniel Thwaites case and this was considered. It was however apparent that the residents living in the vicinity of the premises had suffered noise nuisance as a result of an outdoor festival which had taken place earlier in the year in view of the proximity of their properties to the applicants stage and amplified music.

The residents agreed that if it was not for the nuisance suffered as a result of this festival then they would not have objected to the application. Residents were also concerned about the lack of consultation in that regard which was accepted by the applicant.

In addition to the condition agreed with the Police the applicant had also (through his solicitor) offered further conditions to be imposed on the Licence in order to promote the Licensing objectives. The residents had accepted these but were still concerned about the proposal to hold further outdoor music festivals. The Committee were also concerned that the holding of outdoor music festivals with amplified music in view of the proximity of residential properties, would not promote the Licensing objectives.

In view of the above the Committee were prepared to grant a Variation of the licence for the above premises subject to the condition set out but were not prepared at this point in time to remove the condition that there should be no Regulated Entertainment in the open air unless it could be proven to the satisfaction of the Licensing Authority following consultation with the residents in the immediate vicinity of the premises, that any noise caused thereby would not affect residents in the vicinity of the premises in any adverse way.

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The conditions which the Committee were disposed to impose in addition to any relevant Mandatory condition and also conditions that were consistent with those listed by the applicant in the Operating Schedule were:

1. The Beer Garden at the premises will not be used for the consumption of alcohol after 22:00 on Sunday to Thursday and 23:00 hours on Friday and Sunday but will be allowed to be used by smokers after these hours.
2. On Fridays and Saturdays there will be no admission to the premises after 23:00 hours. This will not however apply to smokers who will be allowed re-admittance at the rear of the premises.
3. On Fridays and Saturdays the decking to the rear of the premises will be secured and locked at 23:00 hours to prevent customers from gaining entry to the area.
4. All patrons to leave the premises via the front door after 23:30 hours.

Chair