

REPORT TO	DATE OF MEETING
LICENSING PANEL	6 JULY 2009

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
APPLICATION FOR VARIATION OF PREMISES LAST ORDERS INN, STATION ROAD BAMBER BRIDGE PRESTON, PR5 6QR	LEISURE AND CULTURAL SERVICES	KAY GRAY	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been made by Amber Taverns Ltd, being the Premises Licence Holder for a Premises Licence variation at Last Orders Inn, Station Road, Bamber Bridge, Preston, PR5 6QR. Representations have been received from one interested party and a Responsible Authority (Environmental Health). This hearing is therefore a statutory requirement under the Licensing Act 2003.

RECOMMENDATIONS

That the panel conduct the hearing in accordance with the hearing procedure and decide accordingly

DETAILS AND REASONING

(Please see background documents. The amended plans will be available for consideration at the above hearing. If you would like to see the plans prior to the hearing please could you contact the Licensing Department to arrange an appointment)

An application for a variation to the Premises Licence has been made in the following terms:

Addition of/Changes 2 B, E, F, G, H, I, J, K, M & O full details of which can be seen in the attached Application Summary.

All other times are to remain as they appear on the current premises licence. Committee will also look at the current licence conditions and operating schedule contained in the present application to see what steps the applicant is willing to undertake so as not to undermine the four licensing objectives.

Representation from Responsible Authorities

There has been one representation from a Environmental Health which raises concerns about the effect on neighbouring properties. It outlines that previously there has been a history of noise complaints from local residents when the premises previously had music or entertainment. Evidence proved that the noise levels were considered to be a nuisance and a noise abatement notice was served under the Environmental Protection Act 1990. The representation states that the complaints stopped when the premises stopped playing recorded entertainment or having live entertainment.

The representation sets out 11 items/courses of action that need to be taken before the Responsible Authority will support the application. Committee are advised to review the representation from Environmental Health which is contained in the accompanying paperwork.

No other representations were received against the application. In addition, the police had no objection.

Representation from Interested Parties

There has been one representation from an Interested Party who is also against the premises obtaining a licence to play recorded music or have live entertainment. Again they refer to previous problems and ask that the application be rejected

Information from Applicant

Apart from the information contained in the Application and Operating schedule the applicant has considered the aforementioned representations and put forward suggestions to deal with the concerns raised.

Legislation

Sections 34 – 36 Licensing Act 2003 govern the area concerning Variation of Premises Licences. The legislation clearly states that the variation can be in respect of several things such as removal/addition of conditions, a change in the licensable activities or a variation to the actual premises. It might also include a variation to the actual plan as the plan forms part of the actual premises licence.

The authority has got the power to vary the licence so that different conditions apply to different parts of the premises.

Section 35 states that where relevant representations have been received the authority must hold a hearing to consider them unless the applicant and each person who made a representation feels its unnecessary. In addition, having regard to those representations the authority must take such steps... as it considers necessary for the promotion of the licensing objectives.

Wider Implications

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

FINANCIAL	There are no financial implications for the authority
LEGAL	Any party at the hearing has the right of appeal to the Magistrates Court
RISK	This application must be determined in line with legal guidelines
OTHER (see below)	There are no other risks associated with this proposal.

Background Documents

Hearing Procedure
Application form including plan
Representation from Interested Party