

REPORT TO	DATE OF MEETING
LICENSING PANEL	7 July 2010

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
APPLICATION FOR VARIATION OF PREMISES LICENCE WHEATSHEAF, 16 LEYLAND LANE, LEYLAND PR26 8PH	REGENERATION, LEISURE AND HEALTHY COMMUNITIES	KAY LOVELADY	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been made by Mr Evan Sutherland (the Premises Licence Holder) for a Premises Licence Variation at Whatsheaf, 16 Leyland Lane, Leyland, Lancashire PR26 8PH A Representation against the application has been received from one interested party. 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 Wheatsheaf Inn is a public house located on Leyland Lane, Leyland Lancashire. It already has the benefit of providing live music on a Saturday between 8p.m and 11p.m and an application to vary the premises licence has been received to vary the premises licence in the following terms:

E = Live Music -	Indoors	Friday –	20.00 – 00.00
		Saturday –	20.00 - 00.00
		Sunday –	16.00 – 20.00

All other times are to remain as they appear on the current premises licence.

Representation from Responsible Authorities

There are no representations against the application from any other Responsible Authority although Environmental Health agreed the following with Mr Sutherland on 26th May 2010:

“To prevent noise nuisance to surrounding properties the variation should stipulate that all doors and windows remain closed whenever regulated entertainment is being provided although doors may be opened to allow egress and exit to the premises”

Representation from Interested Parties

There has been one representation from an Interested Party who states that she has issue with the application. She states that he does not agree with the permission being granted as the applicant has operated outside his permitted hours and has allowed excessive music volume. The

representation stated that the applicant should ensure that windows are closed when the regulated entertainment is being played and despite the applicant agreeing to this (see above) the interested party does not wish to withdraw her representation as it would seem she does not have confidence in the applicant to uphold the conditions.

The Committee will note that the Interested Party has complained on previous occasions regarding excessive noise at the premises when live entertainment is taking place and operating outside the permitted hours. The Licensing Enforcement Officer has spoken with the applicant regarding operating outside the permitted times and as a result he has made this application to vary the licence. In addition, no independent evidence has been found to date that there have been excessive noise levels outside the premises when live entertainment has taken place.

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.

<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

Background Documents

- Hearing Procedure
- Application form including plan
- Representation from Interested Party