

MINUTES OF	LICENSING PANEL
MEETING DATE	Thursday, 21 September 2017
MEMBERS PRESENT:	Councillors John Rainsbury (Chair), Jane Bell and Harry Hancock
OFFICERS:	Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager), Andy Houlker (Senior Democratic Services Officer), Debbie Roberts (Planning Officer) and Anthony Akrigg (Environmental Health Officer)
OTHER MEMBERS AND OFFICERS:	Stephanie Fairbrother (Licensing Officer), Chris Ward (Licensing Officer), Peter Haywood (Revenues Manager) and Denise Johnson (Director of Development, Enterprise and Communities)
PUBLIC:	2

1 Apologies for absence

None, all present.

2 Declarations of Interests

There were no declarations.

3 Application to Vary Premises Licence under Section 35 of the Licensing Act 2003 - The Withy Trees Arms, 122 Station Road, Bamber Bridge

The panel considered for determination an application to vary a premises licence submitted under Section 35 of the Licensing Act 2003. This application was in respect of The Withy Trees Arms, 122 Station Road, Bamber Bridge.

At the start with the agreement of all parties present, a Google Maps photograph of the premises taken before the external works was included as evidence to be considered by the Panel.

The Panel noted that the application was to vary the premises licence on the following basis:-

- a) to amend the plans to include an external fixed seating area
- b) the removal of Condition 7 of Annex 2
- c) the addition of a further condition in respect of the use of the external area.

With the permission of the panel and in accordance with the council's hearing procedure the council's Licensing Manager introduced the application.

The applicant's solicitor, then addressed the Panel and questions were asked. A

representative from the council's Planning Team and one from its Environmental Health Team both objecting to the application then each addressed the Panel and questions were asked. A local resident objecting to the application then addressed the Panel and questions were asked.

Having fully considered the representations (written and oral) made by local residents and the application made by the applicant, the panel retired to reach its decision.

In reaching its decision the panel took into account the following:

- both written and oral evidence presented in connection with the hearing
- Licensing Act 2003
- S182 Amended Guidance of the Licensing Act 2003
- South Ribble Borough Council's Licensing Policy

The Panel was of the view that by reducing the permitted licensable hours in the external area and imposing a closing time this was a justified and appropriate response in promoting the licensing objectives, given that the area where the premises is situated is a densely residential area. This would control those elements which had been raised as undermining the prevention of public nuisance objective and was reasonable, proportionate and appropriate in the circumstances of this case.

If the Applicant, Responsible Authorities or any person having made a relevant representation was dissatisfied with the outcome of the hearing, then they may challenge the decision of the Panel by making an appeal to the Preston Magistrates Court within 21 days on receipt of this decision.

RESOLVED (UNANIMOUS): that the application to vary the premises licence was granted subject to the conditions set out below.

1. The beer garden, external seating area and bar will be closed and cleared of customers by no later than 11pm Sunday to Thursday and by no later than 00:00 on Friday and Saturday.
2. CCTV will be installed in the external area of the premises. Images will be stored for a minimum of 28 days and will be available to Lancashire Constabulary upon request. Any request to comply with the Data Protection Act 1998.
3. Prior to the beer garden opening, a member of staff will carry out a risk assessment and ensure that there is an adequate amount of staff monitoring the bar area and regulating the external area.
4. Whenever the external area is open, a member of staff will carry out noise assessments at regular intervals to ensure there is no risk of noise nuisance. A written record of those noise assessments shall be maintained at the premises for a rolling 6 month period and provided to an officer on request.
5. Whenever the external bar is open, it will be monitored by at least one member of staff at all times. The external member of staff will have a radio link with the internal bar to ensure there is a means of communication.
6. When the external bar is in use the external area will be monitored at all times by at least one member of staff. That member of staff will ensure that all customers use the main entrance at the front of the premises to enter and leave the premises unless in an emergency.
7. The big double gates leading into the beer garden will be locked at all times and will only be used for delivery purposes.
8. The small side gate in the beer garden will not be used by members of the public except in the case of emergencies. This will be monitored and enforced by staff.

9. All staff will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Regular fresher training to be undertaken. All training will be documented and will be made available to an officer upon request.
10. No drink shall be removed from the premises in an unsealed container.
11. Adequate signage to be erected in the external and internal area to remind customers of when the beer garden is to be closed and cleared by and a polite notice to respect neighbours.

The Panel also agreed to remove Condition 7 at Annex 2. The Panel was of the view that the volunteered and imposed conditions would address the issues raised and promote the licensing objectives. The Panel felt that after careful consideration of the case before them, an appropriate and proportionate decision had been reached.

The Panel wished to remind the Applicant that this decision did not in any way negate the fact that relevant planning permission would be required and that the planning regime had very different considerations to that of alcohol licensing legislation.

Chair

Date