

**LICENSING ACT 2003 SUB-COMMITTEE
WEDNESDAY, 31ST AUGUST 2011**

PRESENT – *Councillor John Wright (in the Chair), Councillor Trevor Maxfield and Councillor David Pearson*

RESOLUTIONS

14 Declarations of Interest

There were no declarations of interest

15 Application for a variation to a Premises Licence – Lord Raglan Hotel, 104 Kings Road, Blackburn BB2 4PY

The Sub-Committee considered an application for a variation to a Premises Licence in respect of the Lord Raglan Hotel, 104 Kings Road, Blackburn. A copy of the application was attached to the report at appendix 1.

The variation sought:

- To add live music to the permitted activities between the hours of 10am until midnight Monday to Thursday inclusive, 10am – 2am Friday to Sunday inclusive.
- To permit live music between the hours of 10am – 2am Christmas Eve, Boxing Day, 27th and 28th December and New Year's Eve.

All responsible authorities had been consulted and advertisements had been displayed in accordance with the provisions of the Licensing Act. Eleven objections and a petition had been received from residents in the area. Objections had been raised under the public nuisance objective. Copies of objections were attached to the report at appendices 2-2J. A copy of the petition was attached to the report at appendix 3. A submission of recommendations from the Environmental Protection Noise team was attached to the report at Appendix 4, as they had failed to reach an agreement with the applicant. No other objections had been received from any of the other relevant authorities or interested parties.

The Committee was advised that having considered the objections and fears of local residents, the applicant had agreed to amend the application to provide for an earlier termination of live music as follows:

- Monday – Thursday, 10am – 11pm
- Friday, 10am to 11.30pm
- Saturday, 10am to midnight

- Sunday 10am to 11pm

In addition, the applicant had also agreed for the following conditions to be added to the Premises Licence:

- That the Designated Premises Supervisor would conduct off-site monitoring in the vicinity of the premises to assess noise levels at nearby residential homes when live music or karaoke was in progress.
- That the date, times and actions of this monitoring would be recorded in a log book which should be kept onsite at the Lord Raglan and be made available for inspection by appropriate Enforcement Officers as required.
- That self closing doors would be installed to the rear of the property.
- That live music would consist of solo or duo performances only

In considering the application, Members took into account the information presented by Council Public Protection Officers, the Environmental Protection Noise Team, representations from Daniel Thwaites PLC (applicants) Mr Malcolm Ireland, Napthens Solicitors (for the applicants) and Councillor Brian Gordon (on behalf of local residents) Mr Oliver Przybysz, Mr Mike Counsell and Mrs Brown (representing local residents).

The Chair invited all interested parties to be involved in the discussions that followed.

Following submissions by the Public Protection Officers, Environmental Protection Noise Team, Daniel Thwaites PLC, Mr Ireland, representations from Councillor Gordon, Mr Przybysz, Mr Counsell and Mrs Brown, the Sub-Committee retired to seek legal advice.

RESOLVED – That the revised conditions in relation to the application for variation to the Premises Licence, as detailed above, in respect of The Lord Raglan Hotel, 104 Kings Road, Blackburn be granted.

The Chair advised those present that the Committee had considered the Licensing Act 2003, the four objectives, and all relevant representations which had largely centred on the Prevention of Public Nuisance and the Prevention of Crime and Disorder.

The Chair further advised that the Committee had been unable to take into account representations in relation to the cumulative impact of the Licensed Premises in accordance with paragraph 9.9 of the Secretary of State Guidance, issued under Section 182 of the Licensing Act 2003.

The Committee had also noted the recommendation from the Environmental

Health Officer, relating to the cessation of live music on Saturday evenings, but had also noted that other public houses in the area also currently held later licences.

Those present were advised that if the fear of objectors were realised, and could be evidenced, the option to review the Licence was available. The Chair also advised of the right to appeal against the decision of the Committee.

Signed
Chair of the meeting at which the Minutes were signed

Date