

LICENSING SUB-COMMITTEE
26th February, 2009

PRESENT – Councillors Lee, J. Lyonette and Nutt.

(3)

LS43. APPOINTMENT OF CHAIR – RESOLVED – That Councillor Nutt be appointed Chair of this Sub-Committee, for this meeting only.

LS44. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LS45. APPLICATION FOR A PREMISES LICENCE – BLACK SWAN – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to an application to vary the Premises Licence at the ‘Black Swan’, in light of a representation received from a responsible authority, Environmental Health, in respect of the removal of a condition requiring that no amplified music other than background music be permitted on the premises.

The Director of Corporate Services circulated an amended page to the report, at the meeting, together with a site plan showing the premises and other premises in the area licensed for the sale of alcohol.

The Environmental Health Manager addressed the meeting with regard to the grounds for the objection and stated that, following discussion with the applicant’s Solicitor, a number of conditions had been proposed which, if approved, would address the concerns that had been raised within that objection. The Environmental Health Manager responded to Members’ questions thereon.

The Solicitor, acting on behalf of Punch Taverns PLC, the licence holder for the premises, addressed the meeting in respect of those proposed conditions and responded to Members’ questions thereon.

The Sub-Committee considered the views of the objector and the applicant’s Solicitor in accordance with the Department for Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act 2003 (Hearings) Regulations 2005 (Revised 2007) and in accordance with Section 8 of the Council’s Licensing Policy relating to Prevention of Public Nuisance.

IT WAS AGREED – That, the application to vary the Premises Licence at the ‘Black Swan’, by the deletion of the condition prohibiting amplified music on the premises, be granted, subject to all regulated entertainment, save recorded music, ceasing not later than midnight, and to the following current and new conditions, which are in addition to the mandatory conditions in respect of the sale of alcohol:-

- (a) The licence is subject to all of the embedded conditions/restrictions inherent in the Licensing Act 1964 save those relating to hours which have been amended by virtue of this application.
- (b) Conspicuous and legible signage shall be prominently displayed within the premises at each exit, requesting that patrons leave the establishment in a quiet and orderly manner.
- (c) Children shall only be allowed on the premises if accompanied by a responsible adult and must vacate the premises by 5.00 p.m.

- (d) There shall be no adult themed entertainment on the premises.
- (e) The inner lobby doors to the front of the premises, on Parkgate, and the windows to the premises shall be kept closed during the performance of regulated entertainment save for normal ingress and egress.
- (f) The Designated Premises Supervisor or their representative shall conduct at least 2 assessments of the noise coming from the premises on each occasion that regulated entertainment is provided at the premises and shall take steps to reduce the level of noise where this is likely to cause a disturbance to local residents. A written record shall be made of these assessments in a log book kept for that purpose. This shall include the time and date of the checks, the person making the checks and the results, including any remedial action. The log book shall be made available for inspection, at the request of an Authorised Officer or the Police.
- (g) Amplification equipment shall have fully adjustable volume controls to facilitate acceptable noise levels being achieved at the Premises.