

**MINUTES OF: LICENSING SUB-COMMITTEE  
HEARING UNDER THE LICENSING ACT 2003**

**DATE OF MEETING: 29th November 2012**

**PRESENT: Councillor Gill (Chair)  
Councillors Ashworth and Cheetham**

**IN ATTENDANCE: Ms L McShane, Legal Representative  
Mrs T Brzozowski, Licensing Officer  
Miss M Hargreaves, Hearing Administrator  
Mrs L Robinson, Applicant  
Ms G Sheratt, Licence Holder's Representative**

**ALSO PRESENT: Mr D Dobson, Licensing and Enforcement Officer  
Ms M Street, Student Environmental Health Officer  
Councillor Morris  
14 Members of public  
2 Member of the press**

---

---

**1. APPOINTMENT OF CHAIRPERSON OF THE SUB-COMMITTEE**

**Resolved:**

That Councillor Gill be appointed as Chairperson of the Sub-Committee.

**2. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies for absences submitted.

**3. CHAIRMAN'S INTRODUCTION**

The Chair welcomed all parties to the meeting and asked the members of the Sub-Committee and Council officers to introduce themselves.

The Chairman asked Applicant, the Licence Holder and all other parties present to introduce themselves.

**4. DECLARATIONS OF INTEREST**

No declarations of interest were made at the meeting.

**5. APPLICATION TO VARY A PREMISES LICENCE  
AT: THE GREEN SQUIRREL, MANCHESTER ROAD, HASLINGDEN**

**Preliminary Matters**

5.1 The Legal Representative asked all parties whether anyone wished to withdraw their representations. It was confirmed that no parties wished to withdraw their representations.

5.2 The members of the panel were advised by the Head of Legal Services as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the licensing objectives, being:-

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm

5.3 Members were also advised of their duties in carrying out those functions in relation to:-

- a) the Council's published Statement of Licensing Policy
- b) the guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003 which was updated in April 2012

5.4 Also the duty under Section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of the licensing function and the need to prevent crime and disorder.

5.5 The panel also had due regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

### **Hearing Process**

5.6 The Licensing Officer presented the report.

5.7 The Applicant had submitted an application for a review of the premises licence for the Green Squirrel, Manchester Road, Haslingden under Section 34 of the Licensing Act 2003. The application was detailed in the report.

5.8 Representations in respect of the application were received within the appropriate period from local residents and a ward Councillor, details of these were outlined in the report.

5.9 All written representations were contained within the report to the panel. All documentary evidence comprising the application and report were provided to all parties in advance of the Hearing.

5.10 Verbal representations were made to the Sub-Committee by the Applicant, the Interested Parties, the Licence Holder and the Licencing Holder's Representative.

5.11 The Sub-Committee asked questions to the Applicant, the Interested Party, the Licence Holder and the Licence Holder's Representative.

5.12 The Licensing Officer, the Applicant and the Licence Holder's Representative were allowed the opportunity to sum up their cases to the Sub-Committee. The Sub-Committee, the Legal Representative and the Hearing Administrator left the room in order to determine the application.

## 6. DETERMINATION

6.1 In determining the application, the panel gave consideration to the following:-

- Number of performers to be allowed to perform at one time
- Concerns of noise limiter and how this could be monitored
- Closing of windows to avoid distribution to neighbours
- Option of self-fitting door closures
- Monitoring outside of the premises
- Three sided no-smoking shelter as a future option
- Environmental Health Department

## 7. DECISION:

7.1 After giving consideration to all the written representations and verbal representations made by the applicant, the interested parties and the licence holder's representative; and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action in respect of the application to review the premises licence under Section 52(4) of the 2003 Act:

That the following additional conditions would be attached to the licence:

- 7.2 Noise from all music and associated (including DJ's and amplified voices) shall not be audible at the inside of any neighbouring residential premises after 11pm.
- 7.3 A noise limiter to be in operation at the premises on all occasions that entertainment is being provided. The noise level would be set by the engineer and agreed by Environmental Health. The volume of amplified sound used in connection with all entertainment provided shall at times be under the control of the licensee and the noise limiter controlling mechanism so installed shall be maintained and operated from a part of the premises inaccessible to the public.
- 7.4 All windows shall be kept closed when regulated entertainment is being provided.
- 7.5 Self-closers to be fitted on all internal and external doors and doors not propped open when regulated entertainment is being provided.
- 7.6 At all times music and/or entertainment is being provided, the Licence Holder or nominated person ensure the following notices are displayed on the front door of the premises.
- a. By law this door must be closed if entertainment is being provided. Entry and exit is via the side door only.
  - b. Please respect our neighbours and do not stand at the front of the premises for any longer than necessary.
- 7.7 Suitable signage will be positioned at the side door to the premises requesting the co-operation of patrons to make as little noise as possible when leaving the premises.

- 7.8 The Licence Holder or nominated person will ensure that the outside area to the side of the premises is monitored for the consumption of drinks. Any customers with drinks will be asked to take their drink inside the premises.
- 7.9 A log book of the checks will be maintained and kept on the premises and made available for the authorities for inspection on reasonable request.
- 7.10 The Licence Holder shall nominate a member of staff as the person responsible for the supervision and compliance with the noise conditions and general control of regulated entertainment.
- 7.11 From 10pm, the person referred to in the above statement will ensure the front door to the premises is closed at all times that regulated entertainment is being provided.
- 7.12 The Licence Holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive/distinguishable above background levels at the nearest residential property.
- 7.13 A written log will be kept of all noise complaints received and reference to any remedial action to control the noise and other disturbance. The written log will be kept on the premises at all times and be available for inspection by Environmental Health officers on request.
- 7.14 Environmental Health to monitor the situation until June 2013.
- 7.15 The Licence be varied to permit up to 4 performers.
- 7.16 It was recommended that the smoking shelter be improved at a later stage to have three sides to reduce noise nuisance.
- 7.17 There is a right of appeal for all parties before the Magistrates Court within 21 days of the date of service of this Determination Notice.

**The meeting commenced at 6.00pm and closed at 8.30pm**