

**LICENSING SUB-COMMITTEE 2****THURSDAY 17 AUGUST 2006 AT 2.00PM**

**PRESENT:** Councillors N Farmer, Morton and Wilson.

**ALSO PRESENT:** Councillor Bowman was present at the start of the meeting as the substitute Member.

**LSC2.04/06 APPOINTMENT OF CHAIRMAN FOR THE MEETING**

**RESOLVED** – That Councillor Morton be appointed as Chairman of Licensing Sub-Committee 2 for this meeting. Councillor Morton thereupon took the Chair.

**LSC2.05/06 DECLARATIONS OF INTEREST**

Councillor Bowman declared a personal interest in accordance with the Council's Code of Conduct because he knew the landlord of the Crown and Thistle. Councillor Bowman left the meeting.

**LSC2.06/06 APPLICATION TO VARY A PREMISES LICENCE – CROWN & THISTLE, 53 CHURCH STREET, STANWIX**

The Licensing Manager presented report LDS.52/06 regarding an application to vary a Premises Licence relating to the Crown & Thistle, 53 Church Street, Stanwix, Carlisle.

In addition to the Council's Licensing Manager, Head of Legal Services and Committee Support Officer, the following people attended the meeting and took part in proceedings:

**Applicant:**

Mr Pickup, Counsel Representing Punch Taverns PLC

Mr Levoi, Area Manager, Punch Taverns PLC

Mr Johnson, Designated Premises Supervisor, Crown & Thistle

**Interested Party Representations:**

Miss Crow

There were no applications under Regulation 8(2) for other persons to speak at the meeting.

The Chairman outlined the procedure for the meeting.

The Licensing Manager reported that an application had been received from Punch Taverns Ltd to vary the hours of the Premises Licence currently in force in respect the Crown & Thistle, 53 Church Street, Stanwix, Carlisle.

The current permitted hours were Sunday to Saturday – 10.00am until 11.00pm

The hours of licensable activities requested in the variation application were Sunday to Saturday – 10.00am until midnight

The Licensing Manager reported that Punch Taverns wished to make an amendment to their application and their representative would explain the proposal. He reported that Paragraph 7 of the report had included the 'outside seating' area but this was incorrect and the outside area was not included in the application. He stated that representations from Environmental Services had been withdrawn because Punch Taverns had agreed to include condition PPN6 to the application. There had been representations from interested parties from three neighbours of the Crown & Thistle and Miss Crow was representing them.

The Licensing Manager then outlined the relevant sections of the Council's Licensing Policy which had a bearing on the application and should be taken into consideration when making a decision. He also outlined the relevant National Guidance and reminded Members that the application must be considered, with regard given to the representations made and the evidence given before them.

Responding to questioning, the Licensing Manager stated that in the last six months there had been no complaints to the Police or Environmental Services in respect of the Crown & Thistle. He confirmed that the application had been advertised in the local newspaper and a notice had been placed in the window of the premises.

Mr Pickup, representing the applicant, then addressed the Sub-Committee in support of the application, highlighting the following:

- Punch Taverns have withdrawn the application for an extension to the provision of regulated entertainment and are only applying for an extension of hours relating to the sale of alcohol.
- The premises are small and hold approximately 60 people
- Can include a condition to clear the outside area by 11.00pm if required
- The Designated Premises Supervisor is new to the premises and is a local resident
- The speaker attached to the jukebox that caused concern can be moved if required
- The jukebox takes approximately £40.00 per week which is equal to 10 hours playing time
- There is a sign in the car park asking patrons to leave quietly and signs will be added to the doors of the premises
- The use of the premises is usually through the day and early evening except on Thursdays when a quiz night is held
- The Designated Premises Supervisor lives in the premises and allows other people including neighbours and people dropping off at the school to use the car park free of charge

- The Designated Premises Supervisor has nine years experience in the trade

The Sub-Committee determined that they would accept the amended variation application as specified by Mr Pickup.

Mr Pickup then answered questions and responded to comments from Sub-Committee Members.

Miss Crow then spoke on behalf of the signatories to the letter of objection to the application. She outlined the concerns which had been set out in the letter and also raised the following additional concerns:

- Hasn't called the Police because she was new to the area and didn't want to upset her neighbour
- Has kept her own record of 7 incidents including noise from jukebox at 1am, singing until 12.30am and people urinating on a fence, although she couldn't say this was definitely some one from the premises
- The potential for greater noise is unacceptable in the early hours of the morning.

She then answered questions and responded to comments from Sub-Committee Members.

At 2.40pm, all parties, with the exception of the Sub-Committee Members, the Head of Legal Services and the Committee Support Officer withdrew from the meeting whilst the Sub-Committee gave detailed consideration to the matter.

The parties returned at 2.56pm to hear the Sub-Committee's decision which was as follows:-

This matter concerned an application by Punch Taverns PLC to vary the licence relating to the premises known as the Crown and Thistle at 53 Church Street, Stanwix, Carlisle.

The applicant sought to vary the application to remove the request to extend the permitted hours for entertainment. These were to remain the same and they wished the application to only relate to the sale of alcohol. For the avoidance of doubt the application relates to the sale of alcohol each day until 12 midnight with a 30 minute drinking up period thereafter. The Sub Committee considered this request and allowed the amendment to the application.

The Sub Committee has considered the amended application and taken into account the evidence before it. In particular it has listened to the submissions made by:

1. David Pickup on behalf of the applicant.
2. Lucy Crow on behalf of the interested parties.

Full consideration was given to the letter of objection and to those people who spoke at the meeting. It was decided that all the interested parties did live in the vicinity of the premises. The Sub Committee particularly noted that, during the last 6 months there had not been any formal complaint to the Police or Environmental Services department.

The Sub Committee has decided that the application to vary the licence be granted but subject to the existing licence conditions and the additional following conditions:

1. PPN6: The licence holder or his representative shall after 2200 hours conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
2. The external areas of the licensed premises to be vacated by all patrons by 2300 hours.

The Sub-Committee is of the view that the additional conditions imposed are reasonable, proportionate and necessary to enable the application to be granted while furthering the Licensing Objectives, in particular the prevention of public nuisance.

The decision will be confirmed in writing and this will include details of your right of appeal.

(The meeting ended at 3.00 pm)