

Licensing Act 2003 Sub-Committee

Thursday, 11 June 2015

Present: Councillor Roy Lees (Chair), and Councillors Matthew Lynch and Mick Muncaster

Also in attendance:

Officer: Elizabeth Walsh (Solicitor), Stephen Culleton (Lead Licensing and Enforcement Officer) and Dianne Scambler (Democratic and Member services Officer)

15.LAS.48 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interests.

15.LAS.49 PROCEDURE

The Chair ensured that everyone present had sight of the procedure.

15.LAS.50 APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 - HEAPEY AND WHEELTON VILLAGE HALL

The Sub Committee considered an application from Heapey and Wheelton Village Hall Committee made under Section 17 of the Licensing Act 2003 for the granting of a premises licence for the Heapey and Wheelton Village Hall, West View, Wheelton, Chorley PR6 8HJ. Members were asked to determine the application in light of a relevant representation that had been received.

The Lead Licensing and Enforcement Officer reported that a representation in support of the application had also been received from the local Parish Council but it was received outside of the deadline contained in Regulations and therefore could not be taken into consideration.

The application was for regulated entertainment only and sought to regulate the entertainment provision applied for through proposed conditions included in the operating schedule of the application to promote the Licensing objectives.

The premises is situated at the heart of the village and is surrounded by a mix of residential dwellings, it has a long history as a village hall and previously as a school. The building currently offers a range of facilities and activities for locals and groups. The application sought to offer regulated activities that one would normally be expected to be provided at such a venue. It is understood the premises has likely benefited from a Public Entertainment Licence in the past, although the Council's records did not extend sufficiently to establish this. Representatives of the Village Hall Committee brought along a copy of this licence to the meeting.

Mrs Patricia Dickenson and Mrs Kim Wisdom (acting Chairperson) spoke on behalf of the Village Hall Committee and highlighted what provisions would be undertaken to ensure compliance with the licensing objectives. In response to Members' questions they also outlined the type of events that took place at the village hall. This consisted mainly of private parties (normally for children). The Applicant claimed that last year they had served 30 temporary event notices or events, only two had finished at 9.30pm and one at 11:00pm. The hall also had a

policy of no 18year old parties and only people over the age of 21 could book the premises.

The Council had received one representation from an objector that raised issues that public safety would be compromised. The Objector attended the meeting to give their representations and to answer questions of the Sub Committee. The Objector lives next door next to the Village Hall and was concerned about the length of the opening hours that had been applied for. Although, Mr Melrose referred to a planning condition regarding the opening times of the Hall in his representation, the Council's Legal Officer reminded Members that this was not something that could be considered as part of the licensing process. Although there was only one objector to the application, Members noted the proximity to the venue.

The Sub Committee carefully considered the applicant's written and verbal representations and the written and verbal representations from the objector. The Sub Committee also had regard to the Council's Statement of Licensing Policy; in particular those paragraphs referred to within the report and gave consideration to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The Sub Committee also considered Human Rights implications, in particular Article 6, Article 8 and Article 1 of the First Protocol.

Members **RESOLVED** to grant the application as set out in the report except that the terminal hours of the regulated activities shall be 11:00pm and not 1:00am:

Regulated Provision

Regulated Provision	Days	Time
Provision of Plays	Monday to Sunday	07.30am – 11.00pm indoors and outdoors
Provision of Films	Monday to Sunday	07.30am – 11.00pm indoors and outdoors
Provision of Indoor Sporting Events	Monday to Sunday	07.30am – 11.00pm
Provision of Boxing or Wrestling Entertainment	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Provision of Live Music	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Provision of Recorded Music	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Provision of Performances of Dance	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Provision of Anything of a Similar Description to Live Music Recorded	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.

Music or Performance of Dance		
Provision of Late Night Refreshment;	Monday to Sunday	07.30am – 11.00pm indoors and outdoors.
Hours Premises are Open to the Public;	Monday to Sunday	07.30am – 11.00pm

The reasons for the decision were as follows:

1. **Members noted that no responsible authorities had made representations about the application, including the Environmental Health Department of the Council in respect of noise nuisance.**
2. **Members noted that some of the activities complained of by the objector such as noise from the yard and when the windows are open in the Village Hall would occur due to the nature of the usage and are not as a consequence of licensable activities.**
3. **On the information provided to the sub-committee, Members decided that it was likely to promote the Licensing Objective of Prevention of Public Nuisance if a terminal hour of 11:00pm was imposed for the licensed regulated activities rather than the proposed end time of 1:00am because there is much less ambient noise after 11:00pm.**

Members noted the comments of the objector about a potential obligation to afford some protection which may relate to potential liability following a building or fire inspection and sound proofing. Whilst recognising that such obligations (if any remain to be performed) fall outside the licensing authority's remit Members requested that Officers contact the bodies concerned and encourage them to ensure that any such legally enforceable obligations are fully complied with. Members were aware of the objector's comments about the planning applications which related to the premises. Members wanted to make clear that planning and licensing are separate systems of control and that the purpose of this sub-committee was to consider the application. There is no requirement for planning permission to be obtained before any application is made to the licensing authority under the 2003 Act.

However Members requested that Officers contact the Planning Department and encourage them to ensure that any such legally enforceable obligations are fully complied with. Members wanted to ensure that the Applicant was fully aware that it would be their responsibility to obtain all the necessary planning consents.

Chair