



**MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE**

**MEETING DATE Monday, 8 August 2016**

**MEMBERS PRESENT:** Councillor Marion Lowe (Chair) and Councillors Mark Jarnell and John Walker

**OFFICERS:** Lesley Miller (Regulatory Services Manager), Tracy Brzozowski (Licensing Enforcement Officer), Elizabeth Walsh (Solicitor) and Nina Neisser (Democratic and Member Services Officer)

**16.LAS.63 Declarations of Any Interests**

No declarations of any interests were received.

**16.LAS.64 Procedure**

The Chair outlined the procedure to be used to conduct the meeting.

**16.LAS.65 Application for a Premises Licence Under Section 17 of the Licensing Act 2003 - Heapey and Wheelton Village Hall**

The Sub-Committee received 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 two relevant representations that had been received.

The Regulatory Services Manager 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 and a further Representation objecting to the Application had also been received which was also received after the consultation period. Although outside of the deadline, the Officer believed that these should be heard at Committee.

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 Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance, and the Protection of Children from Harm.

The premises is situated in 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 seeks to offer regulated activities that one would normally be expected to be provided at such a venue.

The Applicant spoke on behalf of the Village Hall Committee and highlighted what provisions would be undertaken to ensure compliance with the Licensing objectives. The Village Hall had a policy of no 18 year old parties and only people over the age of 21 could book the premises. Essentially, events that took place at the Village Hall consisted mainly of private parties (normally for children).

Members were informed that in the past the Village Hall Committee had worked to avoid increased noise levels with regards to the regular Zumba classes and approached Chorley Council for advice on this. It was anticipated that an air conditioning system would be installed in the Main Hall on 17 August – one of the hopes being that installation would decrease the need to open the windows and doors of the hall and subsequently decrease the levels of noise travelling to the neighbouring properties.

The Applicant reminded Members that the Village Hall was a valuable asset to the community and was owned by the Villagers. Therefore, general maintenance of the building is funded by the money raised by a small body of volunteers, a large sum of which comes from hiring out the hall.

The Village Hall Committee believed the time restrictions under the current premises were unattractive to potential hirers and it was hoped that an extension would appear more favourable. This support was reiterated by the Parish Council who were present and gave their representations at the meeting.

The Council had received one representation from an objector who lives next door to the Village Hall. The Objector attended the meeting to give their representations and to answer questions to the Sub Committee. The Objector appreciated that the Village Hall Committee had responsibly proposed controlled time restrictions and ensured that minimal noise nuisance would be inflicted on the neighbouring residents. He agreed that the requested opening times were reasonable however held concerns regarding monitoring and further requests being presented to the Sub Committee in future.

The Objector queried how the hall was monitored when hired to people outside the village and how it could be assured that there would be a decrease in the use of windows and doors once the air conditioning was installed. Assurances were made that although there was no guarantee of volunteers being present during events due to minimal volunteer numbers, there was a degree of trust that those hiring out the hall would abide by the well-defined hiring conditions with the additional un-refundable deposit in place if conditions were broken. The applicant understood that once the air conditioning was installed it would be set on a timer and instructions would be provided to ensure the Hirers were aware of how to use it. Members noted the Objector's proximity to the venue.

The Sub Committee carefully considered the applicant's written and verbal representations and the written and verbal representations from the objectors. The Sub Committee also had regards 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 as follows:**

<b>Regulated Provision</b>	<b>Days</b>	<b>Time</b>
<b>Provision of Plays</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm indoors and outdoors</b>
	<b>Friday to Saturday</b>	<b>07.30am – 00.30am indoors and 07.30 am - 11.00pm outdoors</b>
<b>Provision of Films</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm indoors and outdoors</b>
	<b>Friday to Saturday</b>	<b>07.30am - 00.30am indoors and 07.30am - 11.00pm outdoors</b>
<b>Provision of Indoor Sporting Events</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm</b>
	<b>Friday to Saturday</b>	<b>07.30am – 00.30am</b>
<b>Provision of Boxing or Wrestling Entertainment</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm indoors and outdoors</b>
	<b>Friday to Saturday</b>	<b>07.30am – 00.30am indoors and 07.30am - 11.00pm outdoors</b>
<b>Provision of Live Music</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm indoors and outdoors</b>
	<b>Friday to Saturday</b>	<b>07.30am – 00.30am indoors and 07.30am - 11.00 pm outdoors</b>
<b>Provision of Recorded Music</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm indoors and outdoors</b>
		<b>07.30am – 00.30am</b>

	<b>Friday to Saturday</b>	<b>indoors and 07.30am - 11.00pm outdoors</b>
<b>Provision of Performances of Dance</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm indoors and outdoors</b>
	<b>Friday to Saturday</b>	<b>07.30am – 00.30am indoors and 07.30am - 11.00pm outdoors</b>
<b>Provision of Anything of a Similar Description to Live Music Recorded Music or Performance of Dance</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm indoors and outdoors</b>
	<b>Friday to Saturday</b>	<b>07.30am – 00:30am indoors and 07.30am - 11.00pm outdoors</b>
<b>Provision of Late Night Refreshment;</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm indoors and outdoors</b>
	<b>Friday to Saturday</b>	<b>07.30am – 00.30am indoors and 07.30am - 11.00pm outdoors</b>
<b>Hours Premises are Open to the Public;</b>	<b>Sunday to Thursday</b>	<b>07.30am – 11.00pm</b>
	<b>Friday to Saturday</b>	<b>07.30am – 00.30am</b>

The reasons for the decision were as follows:

- Members noted that no responsible authorities had made representations objecting the application, including the Environmental Health Department of the Council in respect of noise nuisance
- Members noted that there had been no complaints made to Environmental Health or to any other Responsible Authorities
- Members noted that one objector had made a complaint about the Traffic. Traffic is a highways related issue and falls outside the licensing authority's remit. Highways and Licensing are separate systems of control and that the purpose of this Sub Committee was to consider the application and the Licensing Objectives.
- Members noted that if there should be issues with Noise then this should be reported to the Council's Environmental Health Department so that this can be properly recorded and the correct procedures followed.

- On the information provided to the Sub Committee, Members were satisfied with the steps undertaken by the Village Hall Committee to promote the Licensing Objectives in particular the Prevention of Noise. Members noted that the Air Conditioning System would be installed on the 17<sup>th</sup> August 2016 which would reduce the use of open doors and open windows.
- Members noted that the Representation made by one of the neighbouring properties, who was in attendance at the meeting, was happy with the application submitted by the application and believed that the Applicant's proposed extension hours had been reasonable.
- Members requested that the Applicant review and amend the terms set out in their Hire Agreement to reflect the installation of the new Air Conditioning system.

Chair

Date