



MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE **Wednesday, 15 November 2017**

MEMBERS PRESENT: Councillor Marion Lowe (Chair) and Councillors Adrian Lowe and John Walker

OFFICERS: Lesley Miller (Regulatory Services Manager), Chris Carney (Licensing Enforcement Officer), Stuart Oakley (Environmental Health Officer), Carl Gore (Empty Properties and Enforcement Officer), Alex Jackson (Legal Services Team Leader), Nina Neisser (Democratic and Member Services Officer) and Dianne Scambler (Democratic and Member Services Officer)

OTHER MEMBERS: Also in attendance were representatives from South Ribble Borough Council's Licensing Committee and Department who came to observe the meeting.

17.LAS.66 Declarations of Any Interests

No declarations of any interests were received.

17.LAS.67 Procedure

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

17.LAS.68 Application for a Premises Licence under Section 17 of the Licensing Act 2003, for the Coppull Conservative Club

The Sub-Committee considered an application made under Section 17 of the Licensing Act 2003 for the granting of a premises licence for Coppull Conservative Club, 261 Spendmore Lane, Coppull, Chorley, PR7 5DF.

It was reported to the Sub-Committee that the Council received an application for a new Premises Licence for Coppull Conservative Club on 29 September 2017. The premises benefited from a Club Premises Certificate (CPC). Members considered an application for a new premises licence, not the CPC, which sought to obtain a full premises licence to allow non-members to attend the venue whilst continuing to have the CPC running in conjunction with the new licence.

The application received three representations, one of which from Environmental Health had been subsequently resolved through negotiation and agreement to additional conditions, prior to the hearing. There were two other representations from local residents, although one of those representations came attached to the first via email. The Licensing Enforcement Officer advised that one of the parties had

subsequently moved away, therefore he considered that representation to carry far less weight as the venue could no longer affect the author of the letter. No subsequent representations had been received from the new residents at the address. The issues raised by the representations related to the licensing objective of the Prevention of Public Nuisance.

It was understood that Lancashire Constabulary agreed additional conditions and made no representations. Both Environmental Health and Lancashire Constabulary had agreed with the applicant a time limit of 6-8 weeks after the licence was issued to implement the changes required within the additional conditions. Chorley Licensing Enforcement Officers also negotiated a reduction in the operating and licensable activities hours applied for with the applicant.

At the hearing, residents explained that their main concerns were the noise and parking issues which were generated and believed that the club had not been responsible licence holders over recent years. It was also noted that seven other residents had expressed similar objections regarding noise when approached by the objector but these had not been submitted in writing. Mr Whelan advised the Sub-Committee that he had had numerous discussions with various people at the club but no consequent actions had been made. He had subsequently rung the police, but chose not to make a formal complaint and also contacted the MP's office.

Following contact with the Environmental Health Officer, Mr Whelan was provided with a sound device to monitor the levels of noise received at his property from the club. On the August Bank Holiday weekend, music at levels of 50 decibels was recorded at 11.30pm. Mr Whelan said that the World Health Organisation specified that the maximum acceptable limit was 30 decibels. Mr Whelan commented that some of the forms of adult entertainment at the premises were not appropriate.

In summary, Mr Whelan did not object categorically to the grant of the licence or music noise levels and was not trying to get the premises closed, but held concerns regarding the proposed licensed hours, including the agreed reductions and believed 11pm was a more suitable time. He said that people in the club could not hear his television so he should not be able to hear noise from the club. He also suggested that the licence might be granted for a lesser number of hours than requested and the licensed hours increased after a period, only if the club proved itself. Mr Whelan felt that the club had treated residents with contempt and total disregard and some club officials had not dealt with his concerns properly.

Mr Whelan's neighbour Mr Wawrzyniak talked of the problems he had experienced with club members congregating on the patio and arguing. He commented that the noise limiter and the doors not being propped open should make matters all right.

The applicant and their solicitor reiterated that the proposed times had already been reduced from the original application in agreement with Council Officers. A sound limiter device would be installed to help mitigate noise issues further and as the only licensed premises in the borough to do so at present, believed this showed that the club was willing to address residents' concerns. It was also advised that CCTV was scheduled to be implemented at the club by the end of November 2017. Following a query from the Legal Officer it was confirmed that there were visible signs in the premises advising customers to be quiet and respectful to neighbours when leaving the club.

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 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 premises licence with the following amendments to the proposed conditions:

1. The word "Prominent" to be inserted in the condition regarding CCTV signage at Paragraph 1(e) of Appendix 4 to the report
2. Delete the words "where such a request is made in accordance with the Data Protection Act 1998" in the condition at paragraph 1(d) of Appendix 4 to the report regarding handing over CCTV footage so it is not a request under the Data Protection Act 1998 but an obligation
3. An additional condition that the conditions regarding noise proposed by Environmental Health be implemented before any regulated entertainment takes place when the premises are open to the public.

The reasons for the decision were as follows;

1. Members took account of the recommendations of the Environmental Health Officer that the measures recommended would promote the objective of prevention of public nuisance and that the police were in agreement over other proposed conditions.
2. Issues raised by the residents regarding parking are matters to be taken up with the Highways Authority of Lancashire County Council where such occurs on the highway and not something which could be dealt with under the licensing regime.
3. It is not possible to grant a premises licence as suggested on a trial basis for less hours than applied for if members are satisfied that conditions imposed would address the risk of public nuisance.
4. Mr Wawrzyniak agreed that the noise limiter should address the issues raised.
5. Mr Whelan referred to seven local residents having issues with the club but no relevant representations appear to have been received from them.
6. The types of entertainment to which Mr Whelan opposed were a matter of personal taste and not something that the licensing authority could seek to control.

Chair

Date