

## LICENSING ACT 2003 SUB-COMMITTEE

3 May 2016

**PRESENT** – Councillors Kane, Lawton and Newall.

(3)

**LS26. ELECTION OF CHAIR – RESOLVED** – That Councillor Kane be elected Chair for the purposes of this Sub-Committee.

**LS27. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS28. APPLICATION TO VARY A PREMISES LICENCE – ROCKLIFFE HALL, HURWORTH PLACE** - The Director of Economic Growth submitted a report (previously circulated) to consider an application to vary the premises licence in light of representations from one ‘Other Person’, namely a local resident.

The representations made were in respect of one of the four licensing objectives, namely the Prevention of Public Nuisance.

Present at the meeting were Mr. Garrett, local resident and ‘other person’; Mr Simon Robert, General Manager, Rockcliffe Hall; Mr. Robin Bloom, Director of Rockcliffe Hall; Pam Ross, Licensing, Parking, Trading Standards and CCTV Manager; David Burrell, Private Sector Housing Manager; Amy Wennington, Lawyer (Litigation) and Allison Hill, Democratic Officer.

The Licensing, Parking, Trading Standards and CCTV Manager introduced the application to vary the Premises Licence and the Notice of Hearing pertaining to the application.

Members listened carefully to the representations made by Mr. Garrett on the grounds of Prevention of Public Nuisance and the Prevention of Children from Harm and his concerns regarding potential noise nuisance that could be caused if the application was granted; and the points for clarification in relation to specific details of issues from the premises that have caused noise nuisance in the past.

Members also listened carefully to the representations made by the Applicant and the points for clarification in relation to details of how local residents will be informed of potential events to be held in the outdoor marquee(s).

The Sub-Committee considered the views in accordance with the Secretary of State’s Guidance in relation to crime and disorder, public safety and the prevention of public nuisance; Guidance issued under Section 182 of the Licensing Act 2003 and in accordance with the ‘Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received’; and Statutory Instrument 2005 No. 44 The Licensing Act 2003 (Hearings) Regulations 2005.

Members considered the relevant sections of the Council’s Licensing Policy: Section 6.1 in relation to Premises Licences; Section 7.1-7.3 relating to the impact of licensable activities; Section 9.0-9.5 relating to Prevention of Nuisance; Section 9.8

relating to Noise Nuisance; Section 10.1-10.3 relating to Public Safety; and Sections 11.3-11.5 relating to steps to be taken by Licensees to address Crime and Disorder issues.

In arriving at their decision, Members agreed that the steps already taken by Rockliffe Hall to reduce the number of outdoor events proposed to nine, and also the reduction of the terminal hour for Live Music to 12 midnight, that the conditions attached to the licence were appropriate and proportionate to address any concerns relating to the prevention of public nuisance and the protection of children from harm.

Members also noted that any outdoor licensable event is subject to an agreed event manual and noise management scheme.

**RESOLVED** – That the application be granted to vary in full the Premises Licence to permit the sale of alcohol and provision of live and recorded music and dancing in temporary outdoor marquee structures subject to the following conditions, which are in addition to the mandatory conditions in respect of sale of alcohol.

- (i) A fully functional CCTV system shall be in operation at all times the premises are open to the public.
- (ii) A schedule of proposed outdoor events involving amplified regulated entertainment shall be submitted to the Licensing Authority at 3 monthly intervals detailing provisional artistes, the nature of the event and anticipated crowd levels. This schedule is to be agreed with the Environmental Health Team before any event takes place.
- (iii) An event manual shall be submitted to the licensing Authority no later than 28 days prior to any outdoor event involving amplified regulated entertainment. This manual shall detail all aspects of the event including target audience, any stewarding arrangements, traffic controls, location of bars etc. The manual shall be agreed in writing with the Police, Environmental Health Team and the Licensing Authority prior to any outdoor event taking place.
- (iv) All outdoor events shall include risk assessments within the event control manual covering the provision of security, parking provision, restrictions and limitations relating to events involving children under the age of 18 years and any other information relevant to the specific event(s).
- (v) A noise management scheme shall be submitted to the Environmental Health Team not less than 28 days prior to any outdoor event involving amplified regulated entertainment. This scheme shall detail the location of stages and amplifiers among other things and measures that will be taken to reduce noise. The scheme must be agreed prior to each event and complied with at the event.
- (vi) A noise consultant shall be present at all outdoor events involving amplified regulated entertainment to ensure that the agreed noise management scheme is implemented.

- (vii) In any one year, calculated from July to June respectively, the number of outdoor licensable events shall be limited to a maximum of 09 occasions. Only one such event shall take place in any calendar month.
- (viii) A member of Rockliffe Hall staff shall attend those Hurworth Parish Council meetings that are open to the public and agree with the Parish Council the scope of leaflet drops informing residents of future events at the Hall. Staff shall also notify those local residents who sign up to Rockliffe's emailing list of all upcoming events.
- (ix) Children under the age of 16 years shall only be permitted entry to the main premises and any temporary marquee structure when accompanied by a responsible adult