
LICENSING SUB COMMITTEE

Friday, 29th April, 2016

Present: Councillor Joyce Plummer (in the Chair), Councillors Bernard Dawson and Kath Pratt

517 Apologies for Absence

There were no apologies for absence.

518 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

519 Licensing Act 2003 Determination Hearing - Elysium, 1a Barnmeadow Lane, Great Harwood, BB6 7AB

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager (Mr. Bee) advised the Licensing Sub-Committee of an application that had been received for the granting of a new premises licence and the disapplication of the requirement for a designated premises supervisor in respect of Elysium, 1a Barnmeadow Lane, Great Harwood, BB6 7AB and submitted a report relating thereto. Two plans showing the location of the premises were circulated at the meeting. The premises were a community centre for all within the community. The application and operating schedule were illustrated in full at Appendix A to the report. The operating schedule had been amended in response to representations made by Lancashire Constabulary against the application to clarify and expand upon the details of the application. The amendments were set out in paragraph 3.7 of the report and illustrated in full at Appendix B to the report.

The attentions of the Licensing Sub-Committee was drawn to the fact that the Licensing Act 2003 (as amended in 2009) allowed certain community premises which had, or were applying for, a premises licence that authorised alcohol sales to also apply to include the alternative licence condition in sections 25A (2) and 41D (3) of that Act in the licence instead of the usual mandatory conditions in sections 19 (2) and 19 (3). Such an application might only be made if the licence holder was, or was to be, a committee or board of individuals with responsibility for the management of the premises. If the application was successful, the effect of the alternative licence condition would be that the licence holder (i.e. the "management committee") would be responsible for the supervision and authorisation of all alcohol sales authorised by the licence. All such sales would have to be made or authorised by the licence holder. There would be no requirement for a designated premises supervisor or for alcohol sales to be authorised by a personal licence holder. Community premises were defined as premises that were or formed part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building. The Licensing Authority and Lancashire Constabulary had no objections to Elysium's application to disapply the designated premises supervisor.

No representations had been received from the Responsible Authorities. Four valid representations had been received from members of the public and were illustrated in full at Appendix C to the report.

A copy of the Licensing Authority's 'Conduct of Hearings Procedures' was attached as Appendix D to the report.

The applicant (Elysium @ GS), together with a representative had been invited to attend the Hearing and in that respect, the applicant's representatives (Mrs. D. Gould and Ms. F. Mellor) were in attendance. The Objectors had also been invited to the meeting and in that respect, Messrs. D. Hodge and G. Sharples and Mesdames A. Glover and A. Harrington, were in attendance.

The Solicitor to the Council raised a number of points with the applicant's representatives, mainly relating to frequency of and attendance at events, the prevention of public nuisance, staffing numbers, training and responsibilities, consultation with residents, sale of alcohol and security. The Licensing Manager circulated a copy of the event booking form and car parking disclaimer form which Elysium @ GS required customers to complete.

It was felt that the application for a new premises licence sought more licensable activities than was actually required and the applicant's representatives were therefore asked if they wished to amend the submitted application.

At this point in the proceedings, the meeting was adjourned for a period of 20 minutes to allow the applicant's representatives and the Licensing Manager to discuss changes to the submitted application.

On the resumption of the meeting, the Sub-Committee was informed of the amendments made to the licensing application and the applicant's representatives undertook to:-

- (a) Hold regular meetings with residents to discuss any issues arising from use of the premises.
- (b) Notify nearby residents of events that would be taking place and provide the telephone number of the responsible premises manager for those events.
- (c) Attempt to reduce the volume of the premises doorbell and if unable to do so, to replace it with a suitable model.

The Sub-Committee considered the newly amended application and the representations made by the applicant, the applicant's representatives and the objectors and prior to a formal decision being made, sought legal advice thereon.

Decision of the Sub-Committee:-

- Resolved**
- (1) That in accordance with Section 18 of the Licensing Act 2003, the application, (as amended), for a new premises licence in respect of Elysium, 1a Barnmeadow Lane, Great Harwood be granted subject to the relevant mandatory conditions prescribed by the Act and the conditions set out in the report and operating schedule and the undermentioned modifications, as agreed by the applicant's representatives:-**

(a) Live music outdoors to take place on no more than two occasions in any calendar year and to cease no later than 7.00 p.m.

(b) Live music within the premises to be for the hours of 12 Noon to 11.30 p.m.

(c) Recorded music to be between the hours of 12 Noon and 11.30 p.m.

(d) The supply of alcohol will only take place between the hours 12 Noon to 11.30 p.m., and is only permitted on no more than two occasions in any calendar month which must be on either a Friday or Saturday evening.

(2) That in accordance with Section 18 of the Licensing Act 2003 (as amended in 2009), the application to disapply the mandatory conditions on the premises licence regulations for a designated premises supervisor be granted, subject to those conditions being replaced with an alternative mandatory condition that every supply of alcohol under the licence will be made or authorised by the management committee of the community premises rather than a designated premises supervisor.

The reasons for the decision were outlined at the meeting and set out in the decision notice.

520 Licensing Hearing Procedure

The Licensing Sub-Committee was advised of the Council's Conduct of Hearings Procedure which was to be used in relation to hearings required under the Licensing Act 2003. The Procedure was attached as Appendix E to the undermentioned application.

Resolved - That the Procedure be noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed