

**MINUTES OF: LICENSING SUB-COMMITTEE  
HEARING UNDER THE LICENSING ACT 2003**

**DATE OF MEETING: 26<sup>th</sup> September 2013**

**PRESENT: Councillor Gill (Chair)  
Councillors Cheetham and Wilkinson**

**IN ATTENDANCE: Mr D Dobson, Licensing and Enforcement Officer  
Mrs J Cook, Hearing Administrator  
Ms C Birtwistle, Legal Advisor  
Mr R Bingham, Legal Advisor  
Mr J Mansell, Applicant  
Mr C Bell, Applicant  
Mr Skilling, Interested Party  
Mrs Skilling, Interested Party**

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**1. APPOINTMENT OF CHAIRPERSON OF THE SUB-COMMITTEE**

**Resolved:**

That Councillor Gill be appointed as Chairperson of the Sub-Committee.

**2. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies for absences submitted.

**3. CHAIRMAN'S INTRODUCTION**

The Chair welcomed all parties to the meeting and asked the members of the Sub-Committee and Council officers to introduce themselves.

The Chairman asked the Applicant and the Interested Party to introduce themselves.

**4. DECLARATIONS OF INTEREST**

Councillor Cheetham declared that she had been a member of the former Museum Advisory Board.

**5. APPLICATION FOR A PREMISES LICENCE  
AT: THE WHITAKER ROSSENDALE MUSEUM AND ART GALLERY**

**Preliminary Matters**

5.1 The Legal Advisor asked all parties whether anyone wished to withdraw their representations. It was confirmed that no parties wished to withdraw their representations.

5.2 The members of the panel were advised by the Legal Advisor as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the licensing objectives, being:-

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm

5.3 Members were also advised of their duties in carrying out those functions in relation to:-

- a) the Council's published Statement of Licensing Policy
- b) the guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003 which was updated in April 2012

5.4 Also the duty under Section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of the licensing function and the need to prevent crime and disorder.

5.5 The panel also had due regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

### **Hearing Process**

5.6 The Licensing Officer presented the report.

5.7 The Applicant had submitted an application for premises licence for the Whitaker – Rossendale Museum and Art Gallery and Whitaker Park to enable them to conduct the following licensable activities:-

- The performance of a play between the hours of 1000 and 2300 Monday to Sunday inclusive
- The exhibition of films between the hours of 1000 and 2300 Monday to Sunday inclusive.
- Live music between the hours of 1000 and 2400 Monday to Sunday inclusive inside the building and to 2300 hours outside the building.
- Recorded music between the hours of 1000 and 2400 Monday to Sunday inclusive.
- Performance of Dance; anything of a similar description to live, recorded or the performance of dance; the provision of facilities for making music or dance and anything of a similar description to those, between the hours of 1000 and 2400 Monday to Sunday.
- The provision of late night refreshment between the hours of 2300 and 2400 Monday to Sunday inclusive.
- The supply of alcohol for consumption on and off the premises between the hours of 1000 and 2400 Monday to Sunday inclusive.
- The opening hours of the premises will be between the hours of 0700 to 2400 on Monday to Sunday inclusive.
- The application stated that the Designated Premises Supervisor will be Julian Mansell Williams, who is a personal licence holder.
- The application also described a number of steps that the applicants intended to take to promote the four licensing objectives and which would form part of the premises licence if it were granted. Some of those steps would be shown as conditions – the Challenge 25 policy

and CCTV – the remainder of the steps offered were considered too vague by Officers to form conditions.

- 5.8 Representations in respect of the application were received within the appropriate period from local residents and details of these were outlined in the report.
- 5.9 All written representations were contained within the report to the panel. All documentary evidence comprising the application and report were provided to all parties in advance of the Hearing.
- 5.10 Verbal representations were made to the Sub-Committee by the Applicant and the Interested Parties.
- 5.11 The Sub-Committee asked questions to the Licensing Officer, the Applicant and the Interested Party.
- 5.12 The Licensing Officer, the Applicant and the Interested Party were allowed the opportunity to sum up their cases to the Sub-Committee.
- 5.13 The Applicant, the Interested Party and the Licensing Officer left the room to enable the Sub-Committee to determine the application. The Legal Advisors and the Hearing Administrator remained in the room.

## **6. DETERMINATION**

- 6.1 In determining the application, the panel gave consideration to the following:-
- Concerns regarding sale of alcohol outside of the premises and the time stated in the application.
  - Discussion took place on live music and amplification.
  - Clarification was sought from the Licensing Officer regarding live music and licensable activities.

## **7. DECISION:**

- 7.1 After giving consideration to all the written representations and verbal representations made by the Applicant and the Interested Party; and after giving proper consideration to the Licensing Objectives, the Sub-Committee appointed under the Licensing Act 2003 decided to take the following action in respect of the application for the grant of a premises licence under Section 18(4) of the act:-

### **Resolved:-**

The licence would be granted subject to the conditions proposed on the operating schedule, mandatory conditions included in the licence and the following additional conditions:-

1. That all licensable activities taking place outside the museum building may take place up to 2300 hours
2. That events with live, amplified music taking place outside the museum building for an audience of more than 200 persons will be limited to 10 per year and the applicant will be required to notify the Licensing Authority and local residents as required by the Licensing Authority.

The additional conditions were considered necessary for the promotion of one or more of the following licensing objectives:-

- Prevention of crime and disorder
- Protection of public safety
- Prevention of public nuisance
- Protection of children from harm

**The meeting commenced at 10am and closed at 11.40am**