

### LICENSING SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Sub-Committee held in the District Council Chamber, South Lakeland House, Kendal, on Monday, 2 March 2020, at 10.00 a.m.

Present

Councillors

Hazel Hodgson

Kevin Holmes

Helen Ladhams

An apology for absence was received from Councillor Ian Wharton.

Officers

Patrick Cantley

Licensing Officer

Adam Moffatt

Case Management Officer

Josie Smith

Legal, Governance and Democracy Specialist

#### **LS/20 ELECTION OF CHAIRMAN**

RESOLVED – That Councillor Helen Ladhams be elected Chairman for the meeting.

#### **LS/21 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP**

Councillor Ian Wharton having tendered an apology for absence, Councillor Hazel Hodgson, as substitute Member, took his place on the Sub-Committee.

#### **LS/22 DECLARATIONS OF INTEREST**

RESOLVED – That it be noted that no declarations of interest were raised.

#### **LS/23 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

RESOLVED – That it be noted that there are no excluded items on the agenda.

#### **LS/24 INTRODUCTIONS**

The Chairman made introductions and read out the procedures for the meeting.

#### **LS/25 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - AMBLESIDE MASONIC LODGE, THE HILLARD ROOMS, AMBLESIDE**

The Licensing Specialist presented a report which requested consideration of an application for the grant of a premises licence in respect of the Ambleside Masonic Lodge in light of a representation that had been submitted by an interested party.

The Licensing Specialist addressed the Sub-Committee and drew Members' attention to Sub-Section 1.17 of guidance issued under Section 182 of the Licensing Act 2003. He went on to outline details of the application that sought authorisation for the sale of alcohol and authorisation to play Live and Recorded music. He also highlighted that playing Live

and Recorded music on an alcohol licensed premises were not licensable activities if they took place between 08:00 hours and 23:00 hours on any day and the audience was less than 500. The Licensing Specialist also referred to Appendices A and C to the report to further describe the details of the application and location of the premises.

The Licensing Specialist informed Members that the Ambleside Masonic Lodge currently held a Club Premises Certificate that authorised the supply of alcohol on the premises to members.

The Licensing Specialist explained that the application had been circulated to all of the Responsible Authorities and that none of them had submitted a relevant representation. He also explained that one representation had been received by an interested party which was at Appendix B to the report.

The Licensing Specialist referred to a number of sections of the Section 182 Guidance to the Licensing Act 2003.

Mr Paul Langley was invited to present the case on behalf of the applicant. Mr Langley began by illustrating the history of the Ambleside Masonic Lodge and informed the Sub-Committee that they had been meeting in the Hillard Rooms since 2001. He emphasised that the rooms were used for member-only events, and added that it was uncommon for there to be non-Member events held in the Hillard Rooms. He explained that the venue would not be open to the public, and very rarely had more than 35 people attending an event. He went on to highlight a number of other potential causes of public nuisance in the immediate vicinity of the Hillard Rooms. Mr Langley concluded his address by emphasising that the Ambleside Masonic Lodge had been meeting at the Hillard Rooms for nineteen years with no complaints in relation to public nuisance.

The Licensing Officer responded to questions raised by the Sub-Committee.

Mr Langley responded to questions raised by the Sub-Committee.

Ms Shelley Savasi, who had submitted the letter of representation, was invited to address the Sub-Committee. She began by expressing her sympathy with the Ambleside Masonic Lodge but informed Members that she was concerned that if the licence were to be granted, it would encourage larger and more regular events to cause noise after 23:00 hours. She emphasised her concern by highlighting that one of the entrances to the building was accessible over her land and that the courtyard itself had a number of residential properties backing on to it that could be disturbed by any excessive noise. She referred to previous contact with Licensing Officers which had resulted in negotiations on the option of limiting the use of the exit via the courtyard, except in the case of fire, in order to avoid any excessive noise. These negotiations had been unsuccessful. Ms Savasi concluded her address by emphasising the potential for noise to disturb residents whose properties backed on to the courtyard.

Ms Savasi responded to questions raised by the Sub-Committee.

The Chairman invited both Ms Savasi and Mr Langley to provide a closing statement.

Mr Paul Langley stated that the Ambleside Masonic Lodge had no plans to increase the number of events and emphasised his earlier point that there would continue to be limited use of the building if the application were to be granted. Ms Savasi declined to make a closing statement.

**Note – The Sub-Committee passed a resolution to adjourn the meeting to exclude the press and public in making its decision, pursuant to Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated:-**

**Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

The Sub-Committee, supported by the Legal, Governance and Democracy Specialist then withdrew at 10.36 a.m. to consider the application.

The meeting reconvened at 11.18 a.m. and the Legal, Governance and Democracy Specialist communicated the Sub-Committee's decision.

RESOLVED – That the application be granted subject to the standard mandatory conditions and to the following conditions:-

(1) for the following activities:-

<b>Activity</b>	<b>Approved</b>
Live Music and Recorded Music	Monday to Saturday – 23:00 hours to 01:00 hours Sunday 23:00 hours to 00:00 hours
Supply of Alcohol (On)	Monday to Saturday 09:00 hours to 01:00 hours Sunday 09:00 hours to 00:00 hours; and

(2) subject to the mandatory conditions and to the following conditions:-

(a) the dispersal of customers from the premises must be managed in accordance with the following:-

(i) prominent, clear signage must be displayed at all exits from the premises requesting patrons and staff to respect local residents by keeping noise to a minimum when leaving the premises; and

(ii) public announcements requesting customers to leave quietly to minimise disturbance to nearby residents;

(b) all windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons;

(c) patrons required to temporarily leave e.g. to smoke and then re-enter the premises shall not be permitted to take drinks or glass containers with them; and

(d) the premises licence holder shall ensure that any patrons smoking outside the premises so in an orderly manner and are supervised by staff as to ensure that there is no public nuisance.

The Sub Committee has also had regard to the Council's Statement of Licensing Policy and, in particular, paragraph 5.6.

The Sub Committee noted that no representations had been received by the responsible authorities.

Having regard to the Licensing Objectives, the reasons for reaching this decision are prevention of public nuisance. The Licensing Sub-Committee is satisfied that the conditions imposed will serve to further the licensing objectives contained within the Licensing Act 2003 and the statutory guidance.

***Note – All present were notified that the decision would be confirmed in writing within the next few days. There was a right to appeal to the Magistrates' Court within 21 days of notification of the decision.***

The meeting ended at 11.20 a.m.