

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 25 May 2017

Present: Councillor D Jones (in the Chair)
Councillors J Grimshaw and G Keeley

Also in attendance:

Public Attendance: Representatives from Environmental Health: Margaret Waddington; Melanie Walsh and Natasha Franklin.
Mrs. Carol Rothwell (Applicant) and three members of the public were in attendance.

Apologies for Absence:

1 DECLARATION OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

2 AN OBJECTION NOTICE BEING RECEIVED FROM A RELEVANT PERSON IN RESPECT OF A TEMPORARY EVENT NOTICE AT THE PADDOCK, SHEEP HEY FARM, LEACHES ROAD RAMSBOTTOM, BL0 OND

Prior to the hearing, the Licensing Authority received a Temporary Event Notice (TEN) from Mrs Carol Rothwell, in respect of a proposed temporary event to be held at the Paddock, Sheep Hey Farm, Leaches Road, Ramsbottom, BL0 OND between the hours of 13.00 and 23.00 on the 28th July 2017. An objection notice from a 'relevant person' pursuant to section 104(2) of the Licensing Act 2003, was also been received, namely the Environmental Health Section of Bury Council.

The circumstances relating to the TEN and objection to it were outlined in the report presented to members of the Panel by the Deputy Licensing Officer.

The TEN and objection from the relevant person were received within the appropriate period and complied with the procedural requirements within the Licensing Act 2003.

All written representations were contained within the report to Panel.

All documentary evidence comprising the TEN, objection with statements, the report provided with the agenda and representations were served on all parties in advance of the hearing.

The Panel heard oral representations from the relevant person(s) (Ms. Waddington and Ms. Walsh – Bury Health and Environmental Protection Section) and the premises user for the TEN Mrs Carol Rothwell. The Panel heard no other representations.

The relevant person(s) (representatives from Environmental Health) were invited to explain the reasons for the objection notice and the Panel asked questions. It was explained by Mrs Waddington that the objection related to noise nuisance emanating from the premises in question on 3 previous occasions. These had resulted in complaints from local residents, as set out in the objection and attached statements. Officers have visited during the time of the latest of these events and noted noise from loud music was clearly audible in the complainants residences whilst doors and windows were closed.

Mrs Rothwell was also invited to make representations about the objection and the Panel again asked questions. She explained that the events only take place up to twice a year and this TEN relates to a wedding which will start at 4pm and finish at 11pm. Two other TEN's had been served for event in June 2016 and May 2018, without objection. She further explained that she had sought expert advice and followed it and always notified residents of upcoming events by letter.

All parties were offered the opportunity to question each other.

All parties were allowed the opportunity to sum up their respective cases.

The Panel then duly retired to consider the matter and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

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

The 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 2017.

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had 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.

FINDINGS

The following facts were found:

- A Temporary Event Notice (TEN) was issued by Mrs Carol Rothwell for the Paddock, Sheep Hey Farm, Leaches Road, Ramsbottom, BL0 0ND in relation to an event on 28th July 2017 between the hours of 13:00 and 23:00 for the retail sale of alcohol and the provision of regulated entertainment.
- An objection notice was received from a relevant person namely Bury's Health and Environmental Protection Section in respect of this TEN.
- Environmental Health received complaints regarding noise caused by loud music, emanating from events on this site during weddings on 18th July 2015, 31st December 2015 and on 23rd April 2016.
- Complaints were received about noise emanating from the premises on 30th December 2015 but this related to the band playing at the event the following evening, rehearsing.
- These events held in at The Paddock, resulted in complaints from nearby residents relating to nuisance from loud music being played. Two of these events had TEN's albeit no TEN had been given for one of them as it involved a brewery who were to issue the TEN and Mrs Rothwell found later it hadn't.
- There are only 1 or 2 events held in the Paddock a year and based upon the start and end time of those referred to in the documentation submitted, they would run from approximately 1pm to 12:30am.
- Officers from the Health and Environmental Protection Section have visited the complainants home and noted that music is audible inside the premises whilst the windows and doors are closed.
- There is no acoustic barrier to preventing noise travelling from the Paddock into nearby houses.
- On 1st March 2017 an Environmental Health Officer met with Mrs Rothwell to discuss the matter of noise management and possible future events. Mrs Rothwell responded by submitting a Noise Management Plan, based on a noise assessment by Miller Goodall Ltd.
- Two more TEN's have been issued for events in the Paddock on 24th June 2017 and 18th May 2018. No objections have been raised to these by any relevant person.

Delegated Decision:

Having heard from the Deputy Licensing Officer, Mrs Rothwell and representatives from Environmental Health and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows;

The evidence was considered with care and it was established that following the evidence of all parties, having understood the matter before it and equally understanding the representations made, on balance the Panel found there were no causes for concern so far as the promotion of the four Licensing Objectives were concerned. Based upon its findings of fact, the Panel noted that there were issues regarding noise emanating from the premises that affected neighbouring properties, but in view of the frequency and timing of the events and the fact other events with TEN's had received no objections, it was satisfied the current event would not undermine the licensing objectives, in particular that relating to public nuisance.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **not to issue a Counter notice.**

The Chair informed those present of their right of appeal within 21 days of receipt of the written decision to the Magistrates' Court.

COUNCILLOR
Chair

(Note: The meeting started at 11.00 am and ended at 12.45 pm)