



Ribble Valley
Borough Council
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SECTION 18 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON FRIDAY 30 JUNE 2023
TO DETERMINE AN APPLICATION BY AF EVENTS BLACKBURN LIMITED
FOR A PREMISES LICENCE IN RESPECT OF STANLEY HOUSE MARQUEE, FURTHER
LANE, MELLOR, BLACKBURN, BB2 7NP.

The Licensing Sub-Committee met on 30 June 2023. The Sub-Committee comprised the following members:

Councillor S O'Rourke - Chair
Councillor I Brown
Councillor D O'Rourke

Also in attendance:

Solicitor (RVBC)
Administration and Licensing (Alcohol & Entertainment) Officer (RVBC)
Environmental Health Officer (Pollution) (RVBC)
Committee Clerk (RVBC)
Mr S Ahmed (director of the applicant)
Mr P Thompson (relevant representation)
Ms K Davies (relevant representation)
Ms A Walker (relevant representation)
Councillor S Brunskill (advancing relevant representation by Mellor Parish Council).

The Sub-Committee met to consider the application of AF Events Blackburn Limited for a premises licence in respect of Stanley House Marquee, Further Lane, Mellor, Blackburn, BB2 7NP. The licence requested was for the licensable activities of provision of live and recorded music indoors only between the hours of 1000 hours and 2359 hours Monday to Sunday.

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services and its appendices ("**Report**"), together with subsequent written representations from the parties received before the date of the hearing, an Acoustic Assessment Report dated 31 March 2023 prepared by Lighthouse Acoustics and an Acoustic Commissioning Report dated 25 May 2023 prepared by Lighthouse Acoustics.

Mr Ahmed explained that the applicant was currently operating under the licence for their landlord, Stanley House Hotel. However, the applicant considered that they wished to demonstrate social responsibility and apply for their own licence as they knew the nature of the business which they wished to operate. They did not wish to provide alcohol and had

excluded the use of fireworks by their clients. The applicants were keen to work with and to seek to avoid having a negative impact upon the local community.

In response to questions by the sub- committee, the Environmental Health Officer and residents, Mr Ahmed explained that

- the sound limiter could not be switched by users other than the manager
- the most recent legacy event by their landlord (Stanley House) had involved a live band which did not go through the applicant's sound system
- the applicant would not permit use of external speakers
- the lease of the marquee from Stanley House had included a number of events for which Stanley House had already entered commitments and were running under their own licence – there would be no more than those already booked as there was extensive work involved in completely clearing the marquee to enable those vents to take place
- the applicant accepted the "Good Practice Guidance" at item 7 of the Noise Assessment Report (with the possible exception of windows being closed after the bridal party had exited through them for photographs), but did not consider the proposed sound levels at 87 for music and 86 for microphone at item 6.9 of the report were appropriate as they operated satisfactorily at a higher level at another venue in Manchester
- the applicant was happy to invest in air conditioning and had already obtained quotations for that
- the applicant's existing bookings had a terminal time of 2400 hours but new bookings were being taken to terminate at 2300 hours; if 2300 hours were to be imposed on any licence, they would go back to their existing clients to explain
- the applicant had conducted 50 events in the premises over the past 5 months without complaint
- the applicant had no intention of using the Stanley House licence for its events
- the applicant company operated outdoor events satisfactorily elsewhere in the country

The Environmental Health Officer expressed that she was fairly confident with the findings in the reports and the methodology. Residents made observations to her about the particular nature of the local environment, and the lack of background noise; the Environmental Health officer acknowledged this issue and explained that there are residual statutory nuisance considerations as well as any licensing conditions.

Mrs Davies made further verbal representations additional to the written representations of her husband and herself

- consideration should be given to sound limiting
- a maximum number of people present could be specified
- she expressed concern about "flip-flopping" between the licence of Stanley House and the licence currently applied for, if granted
- could the premises licence be made personal to the applicant as she expressed concern that, were there to be transfer to another operator, the licence might not be complied with
- could any licence be time limited to the period whilst the premises had planning permission

Mr Thompson made further verbal representations additional to his written representations

- would air conditioning be installed as the application was now being determined at the end of June – if not, would there be compliance with any condition regarding windows and doors
- if the licence were to be granted, he would not like to undertake a lengthy process if there were to be a breach of that licence

Councillor Brunskill commented that Mellor Parish Council were still discussing the issue and had continuing concerns

- they were concerned that one licence would be played off against the other
- they considered the noise report to be suspect due to the fact that records were compiled at times other than late in the evening and when music and fireworks were taking place
- they were concerned that the report was not a true reading as noise travels and the structure is a marquee, a tent
(The Environmental Health Officer expressed acceptance of the methodology behind the reports; that the Council would carry out investigation in the event of statutory nuisance reports; and that there had been attendance to monitor, but with there being no nuisance on the evening in question).

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both verbal and written. The Sub-Committee also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations and guidance under s 182 of the Licensing Act 2003, the relevant provisions of the Human Rights Act as set out in the Report and the Council's licensing policy. The sub-committee were mindful of the guidance that any conditions should not duplicate other statutory requirements, and should not replicate offences set out in the Licensing Act 2003 or other legislation. The sub-committee were also mindful of the relatively rural location of the premises and the level of background noise when compared to a city location.

Having considered all of the above, the sub-committee resolved to grant the licence for provision of live and recorded entertainment indoors only from 1000 hours to 2300 hours each day from Monday to Sunday inclusive, subject to conditions, as they did not consider that such a course of action would undermine the licencing objectives.

The following conditions are applicable to the licence

General

1. Upon commencement of their employment, all staff will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children.
2. Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises. A competent person trained in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities are taking place. Said person will be fully able to operate the CCTV system and be able to download data in a recognised format when requested.
3. A CCTV system shall be installed at the premises and will meet the following criteria:
 - The system will display on any recording the time and date of said recording.
 - The system will be recording whenever the premises is open to the public.
 - Any recordings will be retained for a minimum of 28 days after they are made and will be produced to an authorised officer on request, so long as any said request is in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.
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Public safety

Prior to any occasion when licensable activities are to be carried on at the premises, a risk assessment will be carried out to determine whether door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk assessment.

Public nuisance

1. On any occasion that entertainment is carried on at the premises, hourly assessments shall be undertaken of the noise emanating from the premises from the exterior of the structure. Additionally following a complaint to the premises during an event an immediate assessment shall be made, of the noise emanating from the premises. The assessment of the noise from the premises shall be undertaken by a member of staff. Wherever said assessments, indicate that noise is likely to cause nuisance to any local resident, remedial action by reduction of the volume of the entertainment shall be taken immediately.
2. A risk assessment shall be prepared and the recommendations of which, maintained to assess the likelihood of nuisance being caused to residents in the vicinity of the premises. The risk assessment must be approved by the Environmental Health Department or the Licensing Authority of Ribble Valley Borough Council. Consideration of music and patron noise from the premises and noise from fireworks shall be included within the scope of this risk assessment, such approval not to be unreasonably withheld.
3. Notices will be placed in a prominent position at public exits requesting that customers leave the premises and the area quietly.
4. Only the foyer entrance with lobbied door area shall be used for guest access.
5. All windows and doors to the events marquee shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
6. Signage shall be added to the external emergency exit doors and external doors in back of house areas of the events marquee stating that the door is to be kept closed during functions.
7. A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all amplified music at the premises shall pass through this sound limiter at a level agreed with the Council's Environmental Health Officer. Levels shall be limited to L_{Amax} Music sound pressure level of 87dB and the L_{Amax} Microphone sound pressure level shall be set at 86dB. The noise limiter shall not be altered without prior agreement with the Council's Environmental Health Officer, and the door the audio equipment rack shall be kept locked at all times with access to the key restricted to the manager only.

Crime and disorder

The premises will have a written zero tolerance drugs policy which is enforced at all times.

Protection of children

There shall be no persons under the age of 18 permitted on the premises after 2100 hours unless they are accompanied by a responsible adult.