

**LICENSING SUB-
COMMITTEE**

10.30 A.M.

14TH DECEMBER 2023

1 LICENSING ACT 2003 - PREMISE LICENCE GRANT- WENNINGTON HALL, LODGE LANE, WENNINGTON, LANCASTER, LA2 8NS - DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATION

The Sub-Committee comprised of Councillor Gerry Blaikie (Chair) Councillor Martin Bottoms and Councillor Sally Maddocks.

The Legal Adviser was Daniel Spencer, Solicitor.

The Democratic Support Officer was Sarah Moorghen.

The Licensing Officer was Mr David Eglin.

The Licensing Sub-Committee are to determine an application for a Premise Licence submitted under Section 17 of the Licensing Act 2003 by Wennington Hall Limited, Station House, Station Road, Whalley, Clitheroe, BB7 9RT. The hearing was held in light of relevant representations received by other persons as defined under the Licensing Act 2003.

The applicant was represented by Mr Warren Bennet commercial director for group and their legal representative was Mr Malcolm Ireland from Messrs Harrison Drury Solicitors.

The Chair explained the procedure to those present and stated that the hearing would be a discussion led by the licensing authority.

Parties present introduced themselves.

The Licensing Officer, Mr Eglin, introduced the report, and stated that the application was for a premises licence to facilitate the following:

Provision of Plays & Films Monday – Sunday 10:00 until 02:00
Regulated Entertainment Monday – Sunday 10:00 until 02:00
(Provision of Live & Recorded Music and Performance of Dance)
Late Night Refreshment Monday – Sunday 23:00 until 02:00
Sale & Supply of Alcohol Monday – Sunday 00:00 until 23:59 (Residents)
Monday – Sunday 10:00 until 02:00 (Non-Residents)

During the statutory 28-day consultation period the Council received one relevant representation from “Other Persons” as defined by The Act, that being from [REDACTED] who reside in close proximity to the premises. The details of the representation were attached at Appendix No.2. to the report.

The concerns of [REDACTED] relate predominantly to public nuisance where it is perceived that should Members seek to grant this licence then there would be strong likelihood of an increase to noise nuisance in respect of neighbouring residential premises. Further, they believe that to allow licensable activities to continue until 02:00 hours would have a detrimental impact on the naturally quiet ambience in the hamlet of

Wennington as a whole and that midnight was sufficiently realistic concluding time for such a wedding and conference venue.

Mr Ireland made representations on behalf of the applicant detailing the history and makeup of the applicant company, referring to the documents that they had previously submitted to the Sub-committee, which included information that they intended to refer to. The Sub-Committee confirmed that they had received the documents in advance of the hearing.

Mr Ireland also confirmed that since his involvement with the company in 2007 there have been no licensing issues, and that they are a good and responsible operator. He stated that the operator was investing in the building and creating jobs for the area.

Mr Ireland went through the application, highlighting that there were no representations from relevant parties but there was one objection from a local resident. They outlined that they had engaged with the local communities, which evidences the steps that have been taken to reassure the local community.

Mr Ireland stated that they understood the residents' concerns regarding noise; however, the assumption that there will be noise is incorrect. There is no intention to operate the venue until 2am every evening. There may be some occasion when they may wish an event to run until this time however this was unpredictable which is why they have applied for those hours; as it will give them flexibility to operate, as opposed to having to apply for temporary event notices.

They would not operate without taking into consideration the local residents. They understand the issues raised as they operate a number of other comparable sites successfully without any issues, which goes to show their experience and history as responsible operators.

Within the bundle provided by Mr Ireland were arial photographs which show the local area and specifically show the distance between the hall to [REDACTED] property being 402m, the nearest property to the Hall is 256 metres. Mr Ireland states that with regards to other premises that they manage they came be situated within 25 metres of residential properties and these have been managed without any issues, again demonstrating that they are a good and responsible operator.

Mr Ireland addressed the Sub-Committee in relation to his views on the legal framework and made direct reference to the case of Daniel Thwaites v Wirral Borough Magistrates Court. He states that the objectors have fears of noise nuisance but nothing tangible to evidence their concerns. The Responsible Authorities are the experts and they have raised no objections or concerns to the application. The company has a good track record are a responsible operator, and the application should be granted as applied for.

The Sub-Committee then withdrew to make its decision and sought advice from its legal adviser as to the appropriate phraseology of the decision.

DECISION

The Sub-Committee carefully considered all the written information before it, and the representations and views expressed at the hearing.

The Sub-Committee noted the location of the premises, and it took into consideration the representations received from [REDACTED], together with the representations made by Mr Ireland on behalf of the applicant. The Sub-committee also noted that there were no other objections from Responsible Authorities or interested parties.

The Sub-Committee has considered the case of Daniel Thwaites v Wirral Borough Magistrates Court and were mindful that this is a new application. They are of the opinion that there was insufficient evidence provided to show that the licensing objectives would be undermined if the application was granted and therefore are of the opinion that it is proportionate and appropriate to grant the application as applied for.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision.

(The meeting ended at 11.15 a.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Support - email smoorghen@lancaster.gov.uk**