

## LICENSING & GAMBLING SUB-COMMITTEE

**HELD: Tuesday, 3 May 2022**

Start: 11.05 am

Finish: 2.50 pm

### PRESENT:

Councillor: N Delaney (Chairman)  
J Mee (Vice-Chairman)

Councillors: G Johnson

In attendance: Mr Thomas Lea, Licence Holder & Premises Supervisor, The  
Aviary Function Rooms  
Ms Heather Matthews, Events Co-Ordinator, The Aviary Function  
Rooms  
Mr David Lea, The Aviary Function Rooms  
Mr Michael Lea, The Aviary Function Rooms  
Mr Colin Hill, Witness, The Aviary Function Rooms  
Mr Simon Hayhurst, Objector  
Mr Robert McDonald, Independent Reporter.

Officers: Kay Lovelady, Legal & Democratic Services Manager  
Andrew Smith, Legal Assistant  
Claire Kelly, Principal Solicitor  
Kirsty Breakell, Democratic Services Officer  
Michaela Murray, Senior Licensing Officer  
Adam Smith, Business Support Assistant

### 1 APOLOGIES

There were no apologies received.

### 2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

### 3 URGENT BUSINESS

There were no urgent items of business.

### 4 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

### 5 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

### 6 MINUTES

RESOLVED: That the minutes of the meeting held on 28 February 2022 be noted.

**7 LICENSING HEARING PROCEDURE**

The Legal & Democratic Services Manager briefed everyone on the hearing procedure.

**8 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF THE AVIARY FUNCTION ROOMS**

Consideration was given to the report of the Corporate Director Of Place and Community as contained on pages 77 to 96 of the Book of Reports in respect of an Application for a Variation to the Premises Licence from Mr Thomas Lea on behalf of David A Lea & Sons Ltd (the Applicant) submitted under Section 34 of the Licensing Act 2003 (the 2003 Act). This application was in respect of The Aviary Function Rooms, Blindmans Lane, Ormskirk, Lancashire L39 3AD (the Premises).

In reaching its decision, the Sub-Committee took account of the following:

- Written and oral evidence presented in connection with the hearing
- The 2003 Act in particular Sections 34 and 35
- The Amended Guidance issued under Section 182 of the 2003 Act (April 2018 Version) (the Guidance)
- Live Music Act 2012

**RESOLVED:**

**APPLICATION GRANTED SUBJECT TO THE FOLLOWING:**

The application for the variation shall be granted to include:

Substitution of the new plan showing the extension and new layout to the front of the Premises into the Licence.

The condition stating that the Manager and Owner will be on hand to supervise Staff and to ensure the premises are operated to high levels of safety in accordance with all four licensing objectives. – to be removed

Other than those conditions amended below the conditions offered by the applicant in the application to vary the premises licence should be included in Annex 2

The variation will become effective on the date of the full Decision Notice which will include full reasons for the decision.

The remaining conditions both on the Premises Licence and submitted by the Applicant in relation to this application to vary the Premises Licence shall be amended as follows:

**Annex 2 conditions from both the Premises Licence and application for a variation to the Premises Licence should be amended as follows:**

**A. Public Nuisance**

Conditions from Premises Licence:

All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency

No music or speech shall be relayed via external speakers other than for events with the prior approval of the Licensing Authority

Conditions from the application to vary Premises Licence:

Noise from music and associated sources (including DJ's and amplified voices) shall not be clearly distinguishable from the level of background noise at the boundary of any neighbouring residential premises at any time.

Regular sound checks will be completed during any event.

To prevent noise complaints, A noise level will be set for any disco, we will be using sound monitors and keeping sound levels at a maximum of 95 decibels at all times.

Perimeter checks will be completed and recorded. We have a log book to record sound levels during functions. we have concluded that sound at this level will not cause a disturbance to local residents

Shall be removed and replaced with the following:

Noise from music and associated sources (including DJ's and amplified voices) emanating from the premises will not be audible at the boundary of any nearby residential premises at such a level which would constitute a nuisance inside those premises (with windows open) at any time.

All live and recorded music shall be controlled by a sound level limiting device, the level of which shall be determined by an Environmental Health Officer of West Lancashire Borough Council.

All external doors and windows must be kept closed, other than for access and egress, or in the event of an emergency after 23.00 Monday to Sunday when the premises is open to the public.

There shall be no regulated entertainment or amplified voices outdoors between 23.00 to 08.00 Monday to Sunday when the premises is open to the public.

The management will ensure that customers using the external areas do not cause a nuisance to other neighbouring businesses and / or residents.

The Licence Holder, Designated Premises Supervisor or Representative shall conduct regular assessments of the noise coming from the premises after 23.00 on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a logbook kept for that purpose and shall, include, the time and date of the checks, the person making them and the results including any remedial action and shall be made available to any Responsible Authority on request.

Wherever noise assessments indicate that noise is likely to cause nuisance to any local residents, remedial steps shall be taken to reduce the levels of noise.

#### **B. Sale of Alcohol**

##### Conditions from the Premises Licence

An incident log shall be kept to record any incidents that occur.

##### Conditions from the application to vary Premises Licence:

Management and employers are instructed in the offence provisions of the licensing act 2003 relating to alcohol and the protection of children

A refusals book shall be kept and maintained at the premises and shall record the time, date and comprehensive details of all incidents of refusal to sell alcohol

Shall be removed and replaced with the following:

That a documented training scheme shall be introduced for all staff in a position to sell, serve or deliver alcohol. The scheme shall include training on alcohol sales and regulated entertainment. The training scheme shall be made available for inspection at the request of any Responsible Authority on request.

That the Designated Premises Supervisor or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve, or deliver alcohol in order to reinforce the training and to promote best practice. The written record shall be kept of the content of such reviews

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and be available for inspection by any responsible authority upon request.

That an incident book shall be maintained at the premises which will be used to record the following;

- i. Any challenges, both positive and negative, made to customers relating to the sale of age restricted products
- ii. The time, date of the challenge, description and or name of the customer and details of identification produced
- iii. Any incidents relating to the premises, its staff or customers
- iv. This record will include the time, date, nature and outcome of the incident

That the incident book will be made available for inspection by any responsible authority on reasonable request

That the incident log will be kept and reviewed regularly by the Designated Premises Supervisor and made available for inspection to any Responsible Authority on request

(N.B. The Senior Licensing Officer arrived during this item)

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**Chairman**