

**LICENSING ACT 2003 SUB-COMMITTEE  
MONDAY, 27<sup>th</sup> JUNE 2011**

**PRESENT** – *Councillor Iftakhar Hussain (in the Chair), Councillor Roy Davies and Councillor Dorothy Walsh*

**RESOLUTIONS**

**1 Declarations of Interest**

There were no declarations of interest

**2 Application for a Premises Licence – Barlow Institute, Bolton Road, Turton, Bolton, BL7 OAP.**

The Sub-Committee considered an application for a Premises Licence in respect of Barlow Institute, Bolton Road, Turton, Bolton. A copy of the application was attached to the report at appendix 1.

The new application sought to permit the following regulated entertainment:

- Live acoustic/amplified music and voice
- Recorded music including CD Box and Karaoke
- Performance of films
- Host indoor sporting events
- Provide a provision for making music and to allow performance of dance between the hours of 10am – 10pm Monday to Thursday inclusive and between the hours of 10am – 11pm Friday to Sunday inclusive.
- Permit the sale of alcohol each day between the hours of 10am – 10pm Monday to Thursday inclusive and between the hours of 10am – 11pm Friday to Sunday inclusive.
- Allow the premises open to the public between the hours of 9am – midnight every day

All responsible authorities had been consulted and advertisements had been displayed in accordance with the provisions of the Licensing Act. Three objections had been received from residents in the area. Objections had been raised under the public nuisance objective, prevention of crime and disorder and the public safety objective. Copies of the letters of objections were attached to the report at appendix 2. No other objections had been received from any of the other relevant authorities or interested parties. Mediation had taken place between the applicant and the Environmental Health Noise Department who had agreed to the conditions as follows, and as attached to the report at appendix 3:

- 1) All doors and windows to be kept closed during the performance of live and recorded music within the premises.

- 2) The DPS should undertake offsite monitoring when entertainments were in progress – to assess the impact of any noise on local residents. The noise level should be reduced in the event that noise was giving rise to disturbance in neighbouring properties.
- 3) A log book would be kept on the premises to record aforesaid monitoring, and complaints of noise that were received.
- 4) The use of any external/outdoor speakers or sound amplification would finish on or before 9pm.

The following notes of mediation had also been recorded:

- The soundproofing at the premises was likely to be limited, due to large windows of single glazing type. Therefore management must carefully choose entertainment that was appropriate for this building construction, to prevent a breach of the conditions above.
- The use of amplified external speakers should be a very rare occurrence and limited to special occasions only. It was not anticipated that this would be a common occurrence.
- Compliance with the conditions above did not exclude the premises/DPS from enforcement action under noise nuisance legislation, i.e. s 79 and 80 of the Environmental Protection Act 1990.

In considering the application, Members took into account the information presented by Council Public Protection Officers, representations from Eleanor Whitlock and Alyson Whitlock (applicants) and Miss Diane Matthews (representing local residents).

The Chair invited all interested parties to be involved in the discussions that followed.

Following submissions by the Public Protection Officers, representations from Eleanor and Alyson Whitlock and Miss Matthews, the Sub-Committee retired to seek legal advice.

**RESOLVED** – That the application for a Premises Licence in respect of Barlow Institute, Bolton Road, Turton, Bolton be granted.

The Chair informed those present that the Committee had considered the Licensing Act 2003, the four objectives, in particular the prevention of public nuisance, section 182 guidance, and the relevant articles under the human rights act. The Chair also advised that the Committee had considered the case of Daniel Thwaites PLC, regarding the fact that decision must be made on actual

evidence, and not speculation of what may occur as a result of a licence being granted.

The Chair further advised that representations had been considered from the applicants and the objector, Miss Matthews, on behalf of local residents and also the conditions agreed between the applicant and the Environmental Health Noise Department.

**RESOLVED –**

1. That the application for a Premises Licence as detailed on the application in respect of Barlow Institute, Bolton Road Turton, Bolton BL7 0AP, be granted.
2. That the following conditions agreed at the hearing, form part of the licence :-  
The hours for the provision of all regulated entertainment including the sale of alcohol on Sunday shall be reduced from 11pm to 10pm.
3. A sound limiting device be fitted working with the advice from the Public Protection section, to set the appropriate level.
4. That appropriate signage be located at various points in the building, in particular the exits, requesting that consideration be given to local residents re noise levels when exiting the building.
5. No hen or stag events to be held.
6. No 18th or 21st birthday parties to be held.

In addition to the above conditions, it was requested that consideration be given to locating a smoking shelter to the rear of the premises in line with, if so granted planning permission. It was also requested that Barlow Institute consults with residents in relation to any concerns that may arise.

Those present were also advised that should the conditions not be adhered to, residents could request a review of the licence.

The Chair also advised that all parties involved had a right of appeal to a Magistrates Court within 21 days of the decision.

Signed .....  
Chair of the meeting at which the Minutes were signed

Date .....