



Community Buildings Committee

16th September 2021

CB019: Proposal for Future Use of the Queen's Hall Garden & Angela Fox Nature Garden

1. Introduction

In 2020 the Parish Council signed a lease to take over the land adjacent to the Queen's Hall garden. The idea was to create a nature garden which would be incorporated into the existing outside space, providing an improved, attractive area available for both hirers and members of the community to use.

Clearance of the site has been achieved, and the core area has been landscaped to create a central green area surrounded by pathways. Further developments will include an outdoor stage area and more natural planting, as well as a piece of art to be commissioned and installed.

Once completed the garden will be opened to the local community to visit during set weekends of the year with light refreshments made available. In the interim, the garden will be available to hirers on a limited use basis.

2. Approach

Further to a complaint made to MSDC after a particularly noisy wedding party in August 2021, it has become apparent that restrictions are required to ensure immediate neighbours are not disturbed by excessive anti-social noise during events.

Further to this, the Angela Fox Nature Garden needs to be added to the curtilage of the Queen's Hall and garden to allow events to use this space in future, from a planning and licencing perspective.

3. Findings

A pre-planning advice request had been submitted to MSDC to establish what is required to add the Nature Garden to the curtilage of the Queen's Hall, and a call has been made to MSDC's Licencing Department to understand what will be required to make a variation to our existing licence to incorporate garden usage by events.

However, under the provisions of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, that land can be used for any other purpose other than its lawful use for 28 days until 31st December 2021, we believe we have not broken any of our existing licence conditions. I have requested clarification of this from MSDC.

When events do not include the sale of alcohol there are no licencing requirements relating to its consumption; when events use a TEN, each individual TEN specifies the

requirements and area of the licence, so again our existing licence is not relevant. It is only when events use our DPS that the sale and consumption of alcohol and playing of music etc is restricted to within the Queen's Hall.

Please see appendix one for a list of the licence requirements applicable to the use of the Queen's Hall. Most restrictions come into force when the sale of alcohol via our DPS is in place. Therefore, if no alcohol is being sold, many of the other licence requirements are not effective.

4. Costs

The cost of a variation to the licence will be approx. £635 plus advertising costs. It is not currently known what the planning variation costs will be.

5. Recommendations

Further to detailed information being received from MSDC regarding planning and licencing requirements, it is recommended that in the interim the use of the garden is restricted to hirers as follows:

- Music will only be permitted outside to accompany a wedding ceremony.
- Alcohol consumption is not permitted within the nature garden section.
- Hirers will be advised that the nature garden section is still not available for use, and the access points into the nature garden will have temporary barriers erected.
- Once the licence and planning matters have been resolved, the nature garden section will be opened to allow hirers access to this area, although the restrictions on music will remain.
- Major garden events including music will be restricted to 2 per year and neighbours would be notified in advance of these events. This would not include normal events such as the regular weddings held throughout the year.

A variation to our existing licence to include the garden areas will be applied for to ensure all events being run under the cover of our Designated Premises Supervisor can use the gardens. When events use a TENS, or do not sell alcohol, there are no restrictions from a licence perspective for their use of the gardens.

Name: Sam Heynes

Title Parish Clerk

Date: 10th September 2021

Appendix 1 – Licence Requirements

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.