



Colton Parish Council

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The following is a record of a **Public Meeting** concerning car-parking and licensing in relation to the cinema at Oxen Park, held on Wednesday 23rd July at 7.30 p.m. in Rusland Reading Rooms.

Present: Cllr David Peters (Natland Parish Council and Chair,) Cllr Colin Barr (Colton Parish Council), David McGowan (Lake District National Park Authority (LDNPA) Head of Development Management), Bill Murray (LDNPA Compliance Officer), Victoria Upton (County Highways, Traffic Management Team Leader), Karen Partington (South Lakeland District Council (SLDC) Licensing Officer), Hardeep Burnley (SLDC Principal Food, Licensing and Safety Officer), Ms M Lane (Colton Parish Council Clerk, taking notes) and 18 members of the public.

1. Welcome

Cllr Colin Barr welcomed everyone to the meeting and summarised the background: some residents of Oxen Park had approached Colton Parish Council asking that a public meeting be held to clarify arrangements regarding parking and licensing in relation to the Oxen Park cinema; this request was approved at the Parish Council meeting held on 24th March 2014.

Cllr Barr felt that it was not appropriate for him to chair this meeting as he had been a founder committee member of the Oxen Park Cinema Club. The Cumbria Association of Local Councils (CALC) had suggested Natland Councillor David Peters as an experienced and objective Chair, having no associations with Oxen Park or the Cinema Club.

2. Apologies

Colton Parish Councillors: John Watson, Ken Dean, Anne Robinson and Vanessa Champion.

Also: Gill McKinnon (Oxen Park Cinema Club Committee) and Sue McKinnon (Oxen Park Cinema Club Website developer).

3. Purpose of the Meeting

Cllr David Peters explained the purpose of the meeting: To clarify the parking and licensing arrangements and agreements for the community cinema in Oxen Park. The meeting would not make any decisions or formal proposals.

4. Formal Session: Invited Speakers

The various groups and organisations concerned were invited to make statements; key points follow:

i) SLDC Licensing. Licensing Officer, Karen Partington:

- The Oxen Park Cinema Club held a premises licence (Licensing Act 2003) for showing films indoors and playing recorded music indoors on Tuesdays and Saturdays only, between 9a.m. and 11p.m.
- Such licences were indefinite and so had no expiry date.
- It was a non-alcohol licence.
- The premises licence had been awarded following full consideration by the Licensing Sub-committee.
- No representations or objections had been received from the seven Responsible Authorities.
- The Licensing Act did not cover parking/obstruction of the highway. It did cover noise and public safety in and around the immediate environment of any premises.
- No complaints had been received to date and SLDC had no concerns at present
- Any concerns were to be addressed to the SDLC Licensing Department who would investigate.
- Any application for a change to the licence would be subject to a 28 day consultation period.

ii) Group of residents expressing concern: represented by Mrs Chris Hill, resident of Oxen Park:

- Clarification of the conditions of use for the cinema was requested by some residents of Oxen Park.
- County Highways had submitted their strong concerns to the National Park about the possibility that parking in relation to the cinema might constitute a hazard, unless a satisfactory means of accommodating visitor parking could be found.

- Mrs Hill quoted from the Section 106 undertaking attached to the planning permission for the cinema, which provided for parking in The Manor House public house car-park. The Cinema had on occasions shown films when parking at The Manor House had not been possible and the Club had parked people around the village. The Section 106 undertaking was part of the planning permission for the cinema so it was unclear why the cinema was allowed to function when the agreement was not operating.

iii) Oxen Park Cinema Club: represented by Mr John Walton, Chairman of the Club.

- The Club was a charity, having a constitution with charitable objectives, managed through volunteers. It was committed to showing films for the rural community and running film-making workshops for children.
- The Club had been operating for over 10 years, showing films in local village halls.
- The aim had always been to open a dedicated cinema so that the equipment could be permanently set up and comfortable seating installed. Planning permission was granted in March 2003, with a 'Section 106 Undertaking' with Robinson's Brewery to allow parking in The Manor House car-park during film-shows.
- The 'Carthouse' cinema was completed in 2013. The Club leased the building from the owner, Carol McNeill. Specialist sound-proofing had been installed. A premises licence had been granted by SLDC in 2013 and the first season of films had been shown in the cinema.
- One of the Club's objectives was for the cinema to have minimal impact on the village.
- Although the licence allowed films on any Tuesday or Saturday, only about 10 films were shown in the cinema per year. The maximum capacity of the cinema was 40 people; average attendance was 30 people. Sound-levels were monitored in accordance with the SLDC Environmental Health requirements.
- Parking: Members of the committee were present and stewarded parking at every showing. The average number of cars attending was 10; the maximum number of cars was 19. Club members were asked to lift-share wherever possible. Parking was closely monitored and number of cars parking in The Manor House car-park and around the village was noted on each occasion. No complaints had been received about parking so far.
- Audiences were always reminded to be quiet and considerate when leaving the cinema.

iv) Robinson's Brewery had declined to attend but had sent a letter (read out by the Clerk), concerning their agreement with Miss McNeill, the owner of the Cinema. This agreement formed the 'Section 106 undertaking' attached to the planning permission granted by the Lake District National Park Authority for the cinema. The Brewery's understanding of the agreement, as stated in their letter was as follows:

- "1. The Cinema Club have authority to park not more than 10 cars on the Manor House car park at any one showing of a film at the club. That number is reduced to 5 cars on a Saturday morning.
2. The agreement is subject to the Manor House remaining a public house. If the Manor House ceases to have a premises licence, then the agreement lapses.
3. If the situation outlined in 2. happens, then the cinema club have to find alternative car parking, which has to be approved by the local authority, before the cinema club can operate again."

v) Lake District National Park Authority. Mr David McGowan, Head of Development Management:

- Planning permission had been granted to Miss McNeill for rebuilding of existing outbuildings, part of which was to be used 'as a cinema and for no other purpose'.
- Attached to the permission was a legal 'Section 106 Undertaking' in the form of an agreement between the cinema and Robinson's Brewery, owners of The Manor House, for use of the car park during film shows. Parking was naturally considered as relevant to an application for any such facility, and this agreement was put in place to minimise any impact on the village.
- The agreement allowed the use of the Manor House car park by Cinema Club members, stating: "The number of cars at any one showing to be limited to 10 cars, except on Saturday mornings when the maximum number of cars will be 5 cars."
- The agreement would remain in place for as long as The Manor House was a public house and the car-park was attached to it.
- The LDNPA had no concerns at present.

vi) Cumbria County Council, Highways Department: Ms Victoria Upton, Traffic Management Team Leader:

- The County Council was a statutory consultee on any planning application.
- There were no parking restrictions in place at Oxen Park and no plans to implement any.
- No complaints had been received to date.

5. Public Session

Members of the public were invited to ask questions during this session. Discussion on various aspects of the parking agreement, licensing and use of the cinema building followed.

The key issues directly relevant to the purpose of the meeting are summarised below:

Q: Would the cinema be allowed to show films on the occasions when the tenants of The Manor House had declined or were not able to allow parking in their car-park?

A: Mr McGowan (LDNPA) explained that the obligation within the Section 106 agreement provided for car-parking but did not prevent parking in the village, which was outside the LDNPA's control. Mrs Upton (County Highways) explained that the agreement was in place to alleviate potential parking issues and repeated that there were no parking restrictions in the village. If there were any specific concerns about parking in the village, then they should be addressed through the Parish Council to Highways. Cllr Barr confirmed this.

Q: Who was responsible for public liability insurance for cars parked in The Manor House car-park?

A: This was unclear. The Cinema Club would investigate and liaise with the tenants of The Manor House.

Q: Had there been an original planning application for a 20-seat cinema?

A: The only planning application: 7/2002/5432 for which permission had been granted was for a cinema that would seat a maximum of 40 persons.

Q: Did the agreement limit the number of occasions when The Manor House car-park could be made available?

A: No, the agreement did not specify any limit, but effectively authorised the use of the car-park on any occasion that films were shown in the cinema (in practice, any Tuesday and Saturday, as defined by the premises licence). The dates of the showings were to be agreed in advance with the tenant of The Manor House. The agreement included an obligation under 4 (1) (e) which stated that "the Owner (of the cinema) and/or the Company (owner of The Manor House) agree to contact the National Park Authority in writing if there are any events which make the use of the car-park by cinema club members impossible".

The tenants of The Manor House, Mr and Mrs McCready, were unhappy with the wording of the agreement which appeared to allow parking in their car-park every Tuesday and Saturday, regardless of whether they were hosting their own events. However, they had agreed and were happy to allow parking for the Club's advertised season of film-shows, which had brought helpful custom to The Manor House, but were less happy about additional film-shows at shorter notice. The Club had not pressed the tenants to honour the agreement on those occasions, but had parked people carefully elsewhere in the village.

Other related issues raised not directly relevant to the purpose of the meeting are summarised as follows:

Q: The planning permission included accommodation above the cinema, which was to be used only in association with the main dwelling (Manor Cottage). However, 2 people had apparently been living there for 2 years. Was this a breach of planning permission?

A: The Planning Authority had investigated allegations and had found no breach. Anyone with further concerns should contact the Authority.

Q: Did the fire certification for the cinema cover the fact that there was living accommodation above?

A: Any concerns should be addressed to SLDC licensing who would assess the certification.

Q: Concern was expressed about traffic speed in the village, which was a particular concern where children crossed by the narrow 'pinch-point' ; was the Highways Department doing anything about this?

A: At the request of the Parish Council, Highways had monitored speed in the village and found it to be acceptable; they had no plans for implementing speed limits. However, the Parish Council were pressing their County Councillor to fund painted SLOW signs on the road.

6. Summing Up

In summary, it was felt that the arrangements should operate through good working relations and good neighbourliness between the cinema and The Manor House, to mutual benefit. This would work best by the Club giving good notice of the film-show dates planned for the coming year, and agreeing these in writing with the tenants of The Manor House. It was hoped that the tenants of The Manor House would not unreasonably withhold parking that had been agreed in advance and in turn the Club would not insist on using the parking if there was a sudden need for The Manor House to use the parking places.

The Clerk confirmed that the minutes of the meeting would be made publicly available, on the Parish Council's own website and on request, either by email or printed copy.

Cllr Barr thanked everyone for their contributions and Cllr David Peters for chairing the meeting. He reminded the meeting that the Parish Council would listen to and consider any concerns about parking and traffic issues.

The meeting closed at 9.10 pm.