

LICENSING PANEL

MONDAY, 14 JULY 2014

PRESENT:- Councillors Abdul Amin, Michael Bray and Vera Tomlinson.

5. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Panel.
(Councillor Tomlinson took the Chair.)

6. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

7. Application for the variation of a Premises Licence in respect of Highworth Town Junior Football Club, Sands Grounds, Swindon Road, Highworth SN6 7ES

The Panel considered (a) a written request from the applicants seeking an adjournment of the hearing tabled at the meeting, and (b) further oral representations from the applicants confirming that they wished to proceed with the hearing and confirming that they were satisfied that they were in a position to make their representations. The Panel determined that having received such assurances the hearing would proceed.

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a variation to the Premises Licence held by Highworth Town Junior Football Club, Highworth, Swindon, (b) written representations from local residents against the grant of the variation, (c) written representations from local residents in support of the application, (d) additional representations tabled at the meeting, (e) oral submissions by Councillors Alan Bishop and Maureen Penny (attending in their capacity as Borough Councillors), (f) oral submissions received in support of the application from Mark Collet and Liz Barron (on behalf of Highworth Town Junior Football Club), (g) questions from Members to the applicants and objectors and answers received, and (h) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Licensing Policy.

After considering: -

1. The application for a variation of a Premises Licence; and
2. Representations and material put forward on behalf of the Police, Environmental Health Department, Applicant, Highworth Town Council, Ward Councillors, Local residents opposing the application and local residents supporting the application;

And taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives in particular: -

- i. The prevention of public nuisance
- ii. Protection of Children from Harm.

The Panel determined that:

1. In considering the application it would not take into account submissions in relation to Planning which fell outside the remit of the Panel.
2. The existing hours of operation for indoor activities remain as stipulated already on the licence.
3. The application for a variation of the Premises Licence to include outdoor events be granted subject to the following hours and conditions:

3.1 Hours of Operation

Sale of Alcohol

Monday to Thursday inclusive	19.00 – 23:00
Friday	18.00 – 00:00
Saturday and Sunday	10:00 - 00:00

Plays, Films, Indoor Sporting Events

Monday to Sunday inclusive	10.00 – 00:00
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Recorded Music and Live Music

Monday to Sunday inclusive	10.00 – 23:00
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Late Night Refreshment

Monday to Sunday inclusive	23.00 – 00.00
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Opening Hours

Monday to Sunday inclusive	10.00 – 00.00
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Reason

- (i) To define the scope of the varied licensable activities and to protect the amenities of local residents.
- (ii) That the hours approved, as proposed by the applicant, were subject to conditions and it was determined that approval of such hours subject to conditions should ensure minimal impact on the amenities of local residents.

3.2 Conditions:

- (1) That the Police conditions set out on Pages 55 to 57 of the agenda pack be approved subject to the following amendments:

Reason

(i) That the proposed measures set out by the police, as amended, were proportionate in ensuring the maintenance of the Licensing Objectives.

(ii) The Panel noted that the applicant accepted the Police conditions.

(a) That conditions 1, 2 and 6 replace conditions 1, 2 and 3 on the existing licence.

Reasons

(i) The replace conditions allowed for these conditions to be applied to both outdoor and indoor events.

(ii) The conditions imposed would assist the Licensee in protecting children from harm. The Panel noted that the applicant accepted the proposed conditions.

(b) That conditions 8 and 9 shall be amended so as to apply to outdoor events with anticipated attendance exceeding 499 people.

Reasons

The Panel determined that the imposition of these conditions for smaller events would be overly onerous given that there has been no history of public control issues at previous events.

(c) Condition 4 shall be amended to apply to both indoors and outdoors and shall cover the whole of the premises used for entertainments.

Reasons

(i) To assist the applicant in meeting the prevention of public nuisance objective and to assist in their management of events.

(2) That the conditions recommended by the Council's Environmental Health Department be approved subject to the following amendments:

Reason

(i) That the proposed measures set out by the Environmental Health Department, as amended, were proportionate in ensuring the maintenance of the Licensing Objectives and in protecting the amenity of local residents.

(a) That Condition 1 relating to the Event Management Plan shall be shall be amended so as to apply to outdoor events with an anticipated attendance exceeding 499 people.

Reason

The Panel determined that the imposition of these conditions for smaller events would be overly onerous given that there has been no history of public control issues at previous events.

(b) That Condition 2 be amended to delete the reference to a maximum number of 6 outdoor events each year.

Reason

(i) The Panel determined that given the evidence before on previous management of events and the proposed nature of events to be held at the venue that this condition was unnecessarily restrictive to the management and promotion of events at the venue.

(c) That Condition 2 be amended to require the organiser of outdoor events to provide the Local Authority and Police with 28 days notice for outdoor events with an anticipated attendance exceeding 499 people and in respect of all other events a minimum of 14 days notice or as soon as is practicable.

Reason

(i) The Panel determined that, given the evidence before it regarding the previous management of events and the proposed nature of events to be held at the venue, the original proposed condition was unnecessarily restrictive to the management of events at the venue.

(ii) The notice period for events was considered proportionate both for the Licensee and to the Statutory Authorities.

(d) That condition 3 be amended to refer to outdoor events with anticipated attendance exceeding 499 people so as to require the organiser to provide a Noise Management Plan.

Reason

(i) That taking into account the representations from the Public Protection and Environmental Health Department and the location of the venue in relations to residential properties the Panel determined that it would be overly onerous to require a Noise Management Plan for smaller events and given that there had been minimal reports of noise nuisance to the Council's Environmental Health Department arising from previous events.

(3) Noise from amplified music at any event shall not exceed 65 dB.

Reason

(i) To protect the amenity of local residents.

(4) That all amplified, live or recorded music in outdoor areas shall cease at 23:00 hrs.

Reason

(i) To protect the amenity of local residents.

(5) That for all outdoor events the organiser will fence off the area within which the event will be held for the duration of the activities provided.

Reason

(i) To assist the Licensee in maintaining the integrity of the premises in the maintenance of the Licensing Objectives.

The Parties are reminded that they have a right of appeal to the Swindon Magistrates Court against the determination of this Licensing Panel. Notice of appeal must be lodged with the Court within a period of 21 days beginning with the day on which the parties receive notification of the decision being appealed.