

EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 12 OCTOBER 2016 AT THE WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE, POTTERNE SOCIAL CLUB, EWARTS CROFT, POTTERNE, DEVIZES

Present:

Cllr Desna Allen, Cllr Ernie Clark and Cllr Sue Evans

Also Present:

Wiltshire Council

Jemma Price (Public Protection Officer – Licensing)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)
Cllr Peter Evans (Observing)

Applicants

Jenny Brown, Secretary to Potterne Social Club
Lorna Hale, Club Member

Those who made a Relevant Representation

Ciara Murphy
Elaine Wakefield

7 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

8 Apologies for Absence/Substitutions

There were no apologies or substitutions.

9 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 1 – ?? of the Agenda refers).

10 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

11 **Declarations of Interest**

There were no interests declared.

12 **Licensing Application**

Application by Potterne Social Club for a Premises Licence at Potterne Social Club, Ewarts Croft, Potterne, Devizes, SN10 5QY

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. She highlighted the following:

- This was an application for a Premises Licence. Potterne Social Club currently holds a Club Premises Certificate and the purpose of the application was to permit licensable activities without the requirement for patrons to be members or guests of members;
- The only difference between the licensable activities on the Club Premises Certificate and proposed Premises Licence was the provision of late night refreshment;
- During the consultation process, two relevant representations were received. One further representation was received and subsequently withdrawn, following correspondence with the applicant; and
- Neither Wiltshire Council Officers nor Wiltshire Police had received any previous complaints for these premises.

In accordance with the procedure detailed in the agenda, the Applicant, and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Jenny Brown, Secretary of Potterne Social Club on behalf of the Applicant were:

- There would be no change to the hours of licensable activity for the Club, they were seeking the inclusion of late night refreshment from 23:00 to 23:30 Sunday to Thursdays, 23:00 to 00:30 on Fridays and 23:00 to 01:00 on Saturdays;
- Following an inspection by the Licensing Officer it was suggested that they apply for a Premises Licence so that when they hold private events they do not have to have a list of attendees (members and guests of members) under the Club Premises Certificate;
- The Club was run by a group of volunteers and if there was a Premises Licence then this could be used when required and it would mean that there was less admin and the running of the premises would become more manageable for the volunteers;
- It was the intention that the Premises would still continue to operate as a Club, but that the Premises Licence would sit alongside it and be used when necessary for particular functions; and
- The Social Club had been in the village for about 40 years and worked well with other local groups in the village to provide for the community.

The Sub Committee and those who had made relevant representations were then given the opportunity to ask questions of the Applicant:

Q It says on the application form that Late Night Refreshment would be provided both indoors and outdoors – is this correct?

A This should have been marked as indoors only, late night refreshment of teas and coffees would be provided indoors only.

Q if the Premises Licence was to be granted, would you have more events than you do currently?

A Possibly, we currently have about 1 event a month; it depends on bookings we receive. In the last year we had bookings for 5 parties.

Q Does the Club put on their own events?

A We have in the past but they don't work particularly well. Often the outgoings are more than the income generated.

Q We see that dancing is now included as a licensable activity, but this has not been mentioned.

A The Licensing Officer confirmed that she had overlooked this when she detailed the proposed changes, and yes that was now proposed to be included, but the hours of the sale of alcohol and opening hours had not changed and so there should be no impact on the inclusion of dancing.

Q If you are granted a Premises Licence and Members or their guests are not required to sign in, are you becoming a pub and not a club and how many patrons do you think it will draw in if it runs as a pub?

A The premise is run by volunteers, we intend in the main to still run it as a Club and get the support and membership fees from our members. The Premises Licence would only be used when we have a function so that we don't have to apply for a Temporary Event Notice on each occasion. We intend to run the two licences side by side.

To clarify, the Licensing Officer explained the differences and benefits of Premises Licences and Club Premises Certificates so that those who had made relevant representations could see why the Club had made the application.

Q Your application does not clearly show your intentions that you are proposing to run both types of licence.

A We are proposing to use both. If we run it under a Premises Licence all of the time then there would be no benefit to Members and they would not join the Club and support it, but equally, the club cannot survive without the income from hosting private functions. The premises are rarely packed and are a place where Members can come along and have a quiet drink and a chat.

Q What is the process the premises use to show on any given day under which licence they are operating under?

A The management of the premises would have to decide which licence they are using and demonstrate what they are working under in the record keeping. If a Premises Licence is being used the gaming machines are unable to be used and would be covered up. They can only be used when the premises is operating as a Club.

Key points raised by Elaine Wakefield who made a Relevant Representation were:

- The information heard today has been useful, we met with the Club a few days ago and there were a few things that we couldn't resolve;
- My property is 5/10 metres opposite the club and my bedroom window overlooks the club. Often patrons are smoking on the front steps of the club which can be a bit intimidating as they look into my bedroom window

and they can at times be a bit noisy. I have a gas tank in my garden which I worry about if a lot of people are at the club as I am concerned that there could be a fire risk with any unextinguished cigarettes;

- When there was a Christmas market held at the premises that were a lot more cars around and some were encroaching on my property and
- I would like to know more about proposed junior club membership?

Mrs Brown on behalf of the Applicant clarified that there was currently one junior member (who was the child of an adult member) who came in to enjoy pool and darts. It was not anticipated that junior membership would exceed 5 or 6 young people and junior members would not be able to bring in guests with them.

Key points raised by Ciara Murphy who made a Relevant Representation were:

- I am concerned about the increase in noise disturbance. On a number of occasions I have been disturbed by patrons and although I want the Club to increase its use, by applying for a Premises Licence (like a pub has) it is contravening why it was set up as a club originally.
- There is only parking for 6 to 8 cars in the car park; and
- If the licence is granted and the premises are allowed to be used by non-members then I anticipate that the noise disturbance for me will increase and I am apprehensive about this.

The Sub Committee and the Applicant were then given the opportunity to ask questions of those who had made a relevant representation:

Q Have you ever made a complaint about the premises?

A No. We have accepted the disturbance from events as a one off and we are trying to be neighbourly and not negative.

The Licensing Officer clarified that if problems/disturbance was experienced then the residents could report this and incidents could be dealt with. If a premises was acting inconsiderately then the Licensing Authority would respond accordingly.

Q Could the smoking area be relocated to another place so that patrons were not directly opposite the neighbour's bedroom window?

A Yes the Club would be more than willing to look at relocating the smoking area to another part of the premises.

Q If the Premises Licence is granted, would you instigate a two tier pricing structure so that Members have the benefit of cheaper drinks?

A If were hosting a function we could look at increasing the tariff, but currently the cash registers did not have the features to do this automatically.

Jenny Brown on behalf of the Applicant made the following point in summation:

- This application is trying to secure the future of the Club and enable us to host functions correctly without the extra administration and planning.

Elaine Wakefield who had made a relevant representative made the following points in summation:

- I look forward to you relocating the smoking area to decrease the disturbance to me;
- There is noise nuisance when patrons spill out on to the car park (*The Applicants confirmed that there were notices in the premises asking patrons to leave quietly and respect neighbours*) and
- Could the Applicants do what they can to ensure that patrons are not walking through my garden?

Ciara Murphy who had made a relevant representative made the following points in summation:

- There should be a general level of respect for the neighbours who live in close proximity to the club. I do believe that your intentions on how to run the premises but I am concerned that the volume of noise and events will increase and cause me disturbance.

The Sub Committee then adjourned at 13:50 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 14:10.

The Sub Committee considered all of the oral submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

Decision:

The Eastern Area Licensing Sub Committee resolved to GRANT the application for a Premises Licence for Potterne Social Club, as applied for - (detailed below)

| Licensable Activity | Timings | Days |
|---|--|--|
| <u>Provision of regulated entertainment</u> Indoor sporting events Live music, Recorded Music, Performance of Dance and Anything of a similar description - INDOORS | 11:00hrs to 23:00hrs 11:00hrs to 00:00hrs 11:00hrs to 00:30hrs 11:00hrs to 23:00hrs 11:00hrs to 00:00hrs 11:00hrs to 00:30hrs | Sunday to Thursday Friday Saturday Sunday to Thursday Friday Saturday |
| Provision of late night refreshment | 23:00hrs to 23:30hrs 23:00hrs to 00:30hrs 23:00hrs to 01:00hrs | Sunday to Thursday Friday Saturday |
| Sale by retail of alcohol ON and OFF Sales | 11:00hrs to 23:00hrs 11:00hrs to 00:00hrs 11:00hrs to 00:30hrs | Sunday to Thursday Friday Saturday |
| Non Standard Timings | New Years Eve up to 02:00hrs on 1 st January Bank Holidays and Christmas Eve up to 01:00hrs | |

And subject to the following conditions:

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- Bottles will not be disposed of outside the premises between 21:00 hours and 09:00 hours.

- Adequate records shall be kept to demonstrate when the Premises Licence is in operation, such records to be made available upon request to any Responsible Authority.
- A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for any person who appears to be under the age of 25 and who wishes to purchase or consume alcohol. Notices will be prominently displayed.
- All staff will be fully trained in their responsibilities; this training will be recorded and refreshed every 6 months.

Advisory Note

The Premises Licence holder is advised to consider providing an alternative smoking area for the premises so as not to cause nuisance to neighbours.

Reasons

The Sub Committee considered the concerns that were put forward in writing and at the hearing by the neighbouring residents. They noted that the premises already operated under a Club Premises Certificate and that there was no intention to increase the licensable activities at the premises (other than the provision of late night refreshment) or the hours of those activities. The Sub Committee did not consider that the use of the premises under a Premises Licence would necessarily lead to any increase in noise or other nuisance to neighbours, given the way that the premises were to be operated. They therefore considered that it would be appropriate to grant the licence as requested, with the conditions as offered in the operating schedule and the additional condition regarding record keeping, as set out above.

The Sub Committee noted that the current external area used for smoking may not be the most suitable, in terms of minimising nuisance to neighbours, and therefore requested that the licence holder consider, in discussion with the Licensing Officer, whether there may be a more appropriate area

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 1.00 - 2.15 pm)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or email lisa.pullin@wiltshire.gov.uk, of Democratic Services.

Press enquiries to Communications, direct line (01225) 713114/713115