

Western Area Licensing Sub Committee

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 7 FEBRUARY 2022 AT THE KENNET ROOM, COUNTY HALL, TROWBRIDGE

**Application by Trowbridge Cricket Club for a Temporary Event Notice (TEN's)
at 20 Lower Ct, Trowbridge BA14 8QD**

Present:

Cllr Trevor Carbin, Cllr Ruth Hopkinson, Cllr Peter Hutton and Cllr Tim Trimble

Also Present:

Sarah Marshall – Senior Solicitor, Wiltshire Council
Emma Hyde – Public Protection Officer (Licensing), Wiltshire Council
Susie Vowles – Senior Public Protection Officer (EC&P). Wiltshire Council
Kevin Fielding – Democratic Services Officer, Wiltshire Council

1 Election of Chairman

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

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

Apologies were received from Mr Elias Cole – Applicant.

3 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 5 to 10 of the Agenda refers).

It was noted that as the substitute Sub-Committee member, Cllr Ruth Hopkinson would remain in the hearing but only as an observer.

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Trowbridge Cricket Club for a Temporary Event Notice (TEN's) at 20 Lower Ct, Trowbridge BA14 8QD

It was noted by the Sub Committee that the applicant Elias Cole was not in attendance.

Emma Hyde - Public Protection Officer, Licensing, Wiltshire Council outlined the application for a temporary event notice made by the Adventure Cinema of 46 Salop Place, Penarth, Vale of Glamorgan, Wales CF64 1HP for an event at the Trowbridge Cricket Club

Points made included:

That a Temporary Event Notice ('TEN') was first served on the Licensing Authority and Wiltshire Police on Friday 21st January 2022.

That if the Police or the Environmental Health Authority believed that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives, they must give the Premises User and the Licensing Authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.

That an objection notice was received by the Licensing Authority from the Environmental Health Authority on Tuesday 25th January 2022 for the Temporary Event Notice.

That in accordance with Section 11 of the Licensing Act (Hearings) Regulations the Licensing Authority may extend a time limit provided for in these Regulations for a specified period where it considered this to be necessary in the public interest. A TEN hearing was required to take place within seven working days from the day after which consultation ended. However due to Wiltshire Council officers being unable to source committee members within the time frame required the hearing was moved to Monday 7th February 2022.

That a TEN application was served on the Licensing Authority by Mr Elias Cole. The TEN covered the period of 23rd September 2022 until 25th September 2022 to include the following times on each day:

- Friday 23rd September – 18:00 – 22:30
- Saturday 24th September - 18:00 – 22:30
- Sunday 25th September – 18:00 – 22:30

The TEN included licensable activities covering the sale by retail of alcohol, and the provision of regulated entertainment.

That in 2021 outdoor cinema events had taken place at this location under a Temporary Events Notice during which the council had received numerous public nuisance complaints.

The Chairman thanked Emma Hyde for outlining her report to the Sub-Committee.

Susie Vowles - Senior Public Protection Officer Wiltshire Council outlined her objection.

Points made included:

That because six complaints had been received from local residents and local councillors about the similar event held in July 2021, as a Senior Public Protection Officer, Ms Vowles felt she had no other option but to submit a representation to this TEN application.

That the venue was not ideally suited to hold outdoor events of this nature, due to it being surrounded by residential properties, and therefore it was extremely likely that this department would receive further noise complaints about this event also.

That she had spoken to the Cricket Club management last year about the open air cinema events, who were aware of the sensitivity to local residents having historically received a noise abatement notice.

That the applicant was not happy that complaints had been received at the previous cinema event held in July 2021.

That Environmental Officers had requested that the level of cinema noise level was lowered.

That the venue was not a very good setting for an outdoor cinema

That historically local residents had been unhappy re noise with the Cricket Club.

That it was felt that the organiser should have been more pro-active re lowering the sound level.

That it was felt that the previous complainer would complain again.

The Chairman thanked Ms Vowles for outlining her objection to the Sub-Committee.

Panel Questions to Ms Vowles

Monitoring – surprised that noise monitoring wasn't carried out re the noise management plan.

a. That a noise management plan had been submitted – a standard plan with monitoring carried out.

What were the concerns re noise?

a. Concerns were re the volume of the cinema screen – not voices etc.

Were there any ideas how the applicant would avoid future issues?

a. Perhaps run the cinema sound at a slightly reduced volume.

Surprised that there were no complaints re the public leaving the venue after the events had finished.

That it would appear that the Environmental Health officers had headed off further complaints by being on site during the event.

That the applicant appeared to have learned lessons from the 2021 event.

The Sub Committee then adjourned at 3:15pm and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 3:30pm

The Senior Solicitor confirmed that she gave no significant legal advice to the Sub Committee.

Decision

That the Western Area Licensing Sub-Committee at its meeting held on Monday 7 February 2022 considered the objection notice submitted by the Environmental Health Authority. The Sub-Committee has decided not to issue a counter notice in respect of the Temporary Events Notice (TEN) and therefore allow the TEN as follows:

Outdoor cinema event at the Trowbridge Cricket and Sports Club, Lower Court, Trowbridge, Wiltshire, BA14 8PX on the 23rd, 24th and 25th September 2022.

Licensable Activity	Timings	Days
The sale by retail of alcohol and the provision of regulated entertainment	18:00hrs - 22:30hrs	Friday 23 September 2022
The sale by retail of alcohol and the provision of regulated entertainment	18:00hrs - 22:30hrs	Saturday 24 September 2022
The sale by retail of alcohol and the provision of regulated entertainment	18:00hrs - 22:30 hrs	Sunday 25 September 2022

Informatives for Applicant

That a recommendation that noise monitoring be undertaken by the applicant at the first evening's event on Friday 23 September 2022 due to the location of the premises to residential properties.

That a recommendation that the Applicant provide a designated telephone phone number to be made available to local residents including Town Councillors.

That a recommendation that the letter drop offered by the Applicant will include Town Councillors.

Reasons for Decision

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from the parties including the Applicant and oral submissions from the Environmental Health Officer at the hearing on 7 February 2022.

The Sub Committee noted this was an application for a TEN for a three-day outdoor cinema event, similar to an event which had taken place at the Trowbridge Cricket Club in July 2021. Environmental Health confirmed they had received six complaints about the 2021 event. The Sub Committee also noted that the venue had in the past received a noise abatement notice but both the Applicant and the venue (the Cricket Club) appear to the Sub Committee to have learned lessons from the 2021 event and were aware of the sensitivity to local residents. No evidence of crime and disorder had been provided to the Sub Committee and no objection notice was received from the Police.

The Sub Committee took the view the Applicant would need to be more proactive in its noise monitoring for this event. The Sub Committee noted that the Event was taking place later in the year (in September) and the Applicant had also offered (i) earlier finish times (when compared with the 2021 event), (ii) a letter drop to all residents in the local area ahead of the event and (iii) improved noise management.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 105); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties were informed of their right to appeal to the Magistrates Court within 21 days of the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

7 Close

(Duration of meeting: 2.30 - 3.35 pm)

The Officer who has produced these minutes is Kevin Fielding of Democratic Services, direct line 01249 706612, e-mail kevin.fielding@wiltshire.gov.uk

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