

## SOUTHERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 2 MARCH 2016 AT MEETING ROOM - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN APPLICATION FOR VARIATION OF A CLUB PREMISES CERTIFICATE, SALISBURY LAWN TENNIS CLUB, OLD BLANDFORD ROAD, HARNHAM, SALISBURY**

**Present:**

Paul Taylor, Cllr Jose Green, Cllr George Jeans, Cllr Leo Randall, Cllr Peter Evans, Moore, Garrod and Hould

**Also Present:**

Ian Garrod (Licensing Officer)  
Hannah Hould (Licensing Officer)  
Lisa Moore (Democratic Services Officer)  
Paul Taylor (Solicitor)  
Mrs Trina Smith – Applicant  
Mr Stephen Berry – Applicant  
Mr Simon White - Applicant  
Mr Leggett – Public Representation

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**1 Election of Chairman**

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

**Resolved:**

**To elect Councillor Leo Randall as Chairman for this meeting only.**

**2 Apologies for Absence/Substitutions**

**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 1 – 6 of the Agenda refers).

#### 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 Salisbury Lawn Tennis Club for Variation to a Club Certificate at, Old Blandford Road, Harnham, SP2 8DG**

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

- The Application was for changes to the internal licensed area and the inclusion of the external area, outside the clubhouse. No objections had been received in respect of changes to the internal area.
- Following the public notice of the application being circulated, a flyer had been produced locally, and circulated in the area. The information contained in the flyer was found to be inaccurate and misleading.
- Five representations had been received, however subsequently one had been withdrawn.
- Due to changes in the Licensing Act in April 2015, the club was already permitted to have live and recorded music in the outside area, under the current licence, providing the audience did not exceed 500 persons.
- Concerns had been raised regarding recorded music which was played during cardio tennis sessions at the club; however no complaints had ever been received by the Police or Environmental health in the past.
- The applicant had submitted a Noise Management Plan.
- The report included a list of further agreed actions by the applicant in response to the representations received.

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

Key points raised by Trina Smith of Salisbury Lawn Tennis Club were:

- The club had 355 members (169 adults) with 9 courts.
- The new Clubhouse was built 5 years ago.
- In Oct 2015, the club realised the current licence detailed the old club house, so contacted the Council to have this revised to include details of new club house.
- This triggered the display of public notices detailing the proposed changes.
- Many of the members of the club are elderly and drive, so do not drink whilst in attendance.
- The club believed that the representations received by the four local residents were out of proportion and described behaviour not attributed to the club, particularly the issue of drunk people urinating in the hedge near one property, as it was felt that it was likely to be the result of a person returning from the city late at night rather than a club member having just left the clubhouse with four toilets.
- One of the representations had been made by a resident who had extended his property towards the direction of the club.
- The club did not wish to play amplified music beyond what was stated in the Noise Management Plan.
- The club planned to hold a small number of outside events throughout the year, including a BBQ and an Open Day.

Key points raised by Mr Leggett, who was in attendance to make relevant representations were:

- The situation most of the residents had issue with seemed to relate to the consumption of alcohol outside the clubhouse, rather than the noise from music.
- He felt that only permitting members and their guests to consume alcohol purchased within the clubhouse, and prohibit them bringing their own drinks in, would help to control and monitor consumption.

The parties were given the opportunity to ask questions of the Applicant, those who made a Relevant Representation and Wiltshire Council Officers. A debate ensued in which the Sub Committee discussed whether if the licensed area was increased to include the outside space, excluding the tennis courts, the club would continue to permit members to bring their own alcohol on to the premises. The Club welcomed the idea of the introduction of a new rule which prohibited members from bringing their own alcohol on to the site, as they felt that this would be both beneficial to the sale of products from the clubhouse and aid in monitoring drinkers. The applicant was in favour of this and would take the matter to the club committee for consideration.

The Sub Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 11.15am.

The Hearing reconvened at 12.13pm.

The Sub Committee considered all of the 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:**

**The decision of the Sub Committee is to GRANT the variation to the club certificate at Salisbury Lawn Tennis Club, Old Blandford Road, Harnham, SP2 8DG, to change the licensed area internally and to include the external area, as shown edged red on the revised plan at Agenda Item 6g, as a licensed area with the condition as detailed below:**

- 1. That any licensable activities on the Premises shall comply with a Noise Management Plan as agreed by Environmental Health.**

**Reasons**

After taking into account the written representations from all parties and the oral arguments received at the hearing, the Sub Committee carefully considered the concerns raised by those who had made representations regarding the application.

These concerns related principally to alcohol consumption and associated noise at the club and the surrounding area.

The Sub Committee noted the willingness of the Applicant to change the Club Rules to prohibit alcohol being brought on to the premise by members and their guests. The Sub Committee considered that this would be beneficial.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

**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: 10.30am - 12.15pm)

The Officer who has produced these minutes is Lisa Moore, tel 01722 434560 or email [lisa.moore@wiltshire.gov.uk](mailto:lisa.moore@wiltshire.gov.uk) , of Democratic Services, direct line 01722 434560  
[lisa.moore@wiltshire.gov.uk](mailto:lisa.moore@wiltshire.gov.uk)

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