

EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 15 JUNE 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE (NO ALCOHOL) AT TIDWORTH DEVELOPMENT CENTRE, ST ANDREW'S HALL, BULFORD ROAD, TIDWORTH, WILTSHIRE SP9 7RZ.

Present:

Cllr Peggy Dow, Cllr Nina Phillips and Cllr Jacqui Lay

Also Present:

Chris Marsh, Democratic Services Officer; Lisa Grant, Licensing Officer; and Paul Taylor, Senior Solicitor; Wendy Higginson, Assistant Youth Worker; Maria Downing, Police Community Support Officer; Mr & Mrs Green, Neighbours to the Premises

6. Election of Chairman

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

Resolved:

To elect Councillor Peggy Dow as Chairman for this meeting only.

7. 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 – 7 of the Agenda refers).

8. Chairman's Announcements

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

9. Declarations of Interest

There were no interests declared.

10. Licensing Application

Application by Wiltshire Council for a Premises Licence at Tidwork Development Centre, St Andrew's Hall, Bulford Road, Tidworth, Wiltshire SP9 7RZ.

The Chairman drew attendees' attention to an additional floorplan of the premises, submitted by the applicant in support of the application. The interested party accepted the information and this was included for consideration.

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

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub Committee.

Key points raised by Wendy Higginson on behalf of the applicant, Wiltshire Council were:

- Licence is sought in order to hold monthly disco events for young people without the need for a Temporary Event Notice, which has previously been exercised;
- Discos have been held jointly between Wiltshire Council Integrated Youth Services and Wiltshire Constabulary, including the organisation and operation of events, since 2006;
- Free transport via minibus is provided to and from the events where required by Wiltshire Constabulary and Wellington Academy;
- Events operate on a non-profit basis, with £2 entry fee and tuck shop on the premises. No alcohol is available or allowed on the premises during this time;
- Premises can accommodate up to 120 attendees, usually supervised by between 6 and 8 staff including warranted officers, PCSOs and Wiltshire Council staff;
- No readmission is allowed and egress from the premises is supervised responsibly by staff to ensure the safety of leavers and the prevention of nuisance to others;
- Inappropriate behaviour by attendees is challenged and on one occasion this has resulted in the cancellation of an event, but this is the only occasion on which such a problem has occurred;
- PCSO Maria Downing has previously met with the interested party to monitor and arrange mitigation of nuisance caused by the events; and
- Premises is the only suitable venue in the local area and performs a highly beneficial function for young people.

Key points raised by the Interested Party, Mr and Mrs Green, were:

- That no objection is raised in respect of the operation of the premises as a youth centre so far as usual activities are concerned;
- Disco nights incur significant nuisance in terms of noise disturbance, which is particularly apparent in the party's front room, which directly adjoins the premises;
- Previous incidents include antisocial behaviour by those leaving the premises, resulting in damage to property later replaced by the Council;
- Events in the past have caused the access road to be blocked by related vehicles, as well as noise disturbance from car horns, engines, etc;
- Noise from drum kit used in premises during similar hours has caused disturbance, albeit on a less continuous basis;
- Those leaving have not always been properly supervised, posing a danger to themselves and a potential nuisance to others;
- Discussion with the visiting PCSO has failed to realise any improvement, despite agreement that noise was audible in the interested party's home;
- Have received support for objection from the Town Council; and
- Premises is essentially an unsuitable venue for the events for which the licence in question is primarily sought.

The parties were given the opportunity to ask questions of the Applicant, Interested Parties and Wiltshire Council Officers. A debate ensued in which the Sub Committee discussed:

- The current and potential noise disturbance to neighbouring properties from the premises' use for discos;
- The safety implications for users of the premises during and after events;
- The fall-back position of activities continuing to be held under Temporary Event Notices;
- The average and maximum turnout for events, and ratio to supervisors;
- Measures possible on the part of the interested party to minimise disturbance from occasional events;
- Measures available and utilised for dealing with inappropriate behaviour, monitoring capacity, etc;
- The actual licence requirements of the applicant in terms of the operation of the premises for licensable activities; and
- The scope of the decision-making body in terms of material considerations and licensable activities on the premises.

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 3.30 pm.

The Hearing reconvened at 4.05 pm.

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, and it was,

Resolved:

That the Application for a Premises Licence at Tidworth Development Centre, St Andrew's Hall, Bulford Road, Tidworth be granted as detailed below:

Provision of regulated entertainment

Live Music (Indoors)	19:00 – 21:00	Monday – Sunday
Recorded Music (Indoors)	19:00 – 21:00	Monday – Sunday
Performance of Dance (Indoors)	19:00 – 21:00	Monday – Sunday
Anything of a Similar Description (Indoors)	19:00 – 21:00	Monday – Sunday

Provision of entertainment facilities

Making Music (Indoors)	19:00 – 21:00	Monday – Sunday
Dancing (Indoors)	19:00 – 21:00	Monday – Sunday
Entertainment of a Similar Description (Indoors)	19:00 – 21:00	Monday – Sunday

And subject to the following conditions:

- 1) Not more than 11 events per year may be held under this licence, and not more than one per calendar month
- 2) During the provision of regulated entertainment all windows and doors will be kept closed except for access and egress

Reasons:

The Sub-Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the licensing policy of Wiltshire Council.

The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing, noting in particular the specific concerns of Mr and Mrs Green relating to noise disturbance consequential of the Centre's proximity to their home.

The Sub-Committee considered that the amended hours and conditions imposed will address the legitimate concerns of the interested parties, including the lateness and duration of noise, and are necessary to meet the Licensing

Objectives in particular the prevention of public nuisance and protection of children from harm.

(Duration of meeting: 2.40 - 4.10 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic & Members' Services, direct line 01225 713058, e-mail chris.marsh@wiltshire.gov.uk

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