

## SOUTHERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 14 SEPTEMBER 2015 AT COUNCIL CHAMBER, DEVIZES TOWN HALL, ST JOHN'S STREET, DEVIZES IN RESPECT OF AN APPLICATION FOR PREMISES LICENCE - SPORTS AND SOCIAL CLUB, 37 TIDWORTH RD, LUDGERSHALL, ANDOVER, SP11 9QE**

**Present:**

Panel Members

Cllr Dennis Drewett, Cllr Jose Green and Cllr Simon Jacobs

Wiltshire Council

Cllr Sue Evans (Reserve Member), Hannah Hould (Public Protection Officer – Licensing), Lisa Pullin (Democratic Services Officer) and Paul Taylor (Senior Solicitor)

Applicant

Michael Mead (Club President) and Michael Collings (Club Secretary)

Relevant Representations

Fiona Musker and Jane Rattue

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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 Simon Jacobs as Chairman for this meeting only.**

## 2 **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 -11 of the Agenda refers).

## 3 **Chairman's Announcements/Substitutions**

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

## 4 **Declarations of Interest**

There were no interests declared.

## 5 **Licensing Application**

### **Application for a Premises Licence by Ludgershall Sports and Social Club in respect of 37 Tidworth Road, Ludgershall.**

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:

- The premise had held a Club Premises Certificate since 24 November 2005 and had been advised to apply for a Premises Licence following an inspection visit from the Licensing Officer;
- During the consultation period 15 relevant representations were received from local residents;
- During the consultation period, the Applicants made amendments to the application and the proposed operating schedule – namely:
  - Closure at 02:00hrs on Friday/Saturday is to be limited to 12 times per year; normal Friday/Saturday closure will be 00:30hrs as per the current Club Certificate. The Licensing Authority will be notified 14 days prior to the event for which the extended hours will be used.
  - Outside music/entertainment will cease at 21:30hrs.
  - Signage will be displayed at the premises requesting that customers leave the premises quietly.
  - Implementation of a Noise Management Plan.

- The Applicants and those who had made a representation were informed of the requirements following the Live Music Act which came into force on 6 April 2015.
- The appeal process available to all parties to the hearing.

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 Michael Mead (Club President and Michael Collins (Club Secretary) on behalf of the Applicant were:

- That the application to extend opening to daytime hours was to enable them to use the club for daytime events, such as funeral wakes and this would only be when the need arose;
- The intention was to continue the running the premise as a members club and the late openings would be limited to events for internal club member functions; and
- The club had been on the site since 1938 and they had never received any complaints about noise until the application had been filed this year.

The following questions/issues were raised with the Applicant:

How many external events do you plan to hold?

*1 or 2 a year.*

The noise created bounces off the surrounding buildings and because of the layout the noise hits me in my property twice.

*We have spoken to the Environmental Health team and we now have in place a Noise Management Plan. We have already implemented this plan even though we don't need to yet. When we are having music all windows and doors will close at 23:00 hours. That measure has been put in place already and will remain in place.*

How will you manage this in the summer when your patrons are hot and wish to open doors and windows?

*We will continue with training our staff and advising them of our regulations about the closures. We will have the DJ announce at 22:45 hours that all windows and doors must close at 23:00 hours. If one of our members does not abide by the Club rules, then appropriate sanctions would be taken.*

When your patrons have left late events at the club they have been noisy and there have been occasions when they have been locked into the outside area and used our roof as a means of escape, causing damage to our property.

*We have already put up notices on all exits, asking our patrons to leave quietly. Our staff will reinforce this at the end of events. We will encourage taxi collections to be from the front of the building so that they are not using the gravel drive. The field is closed during the week and would say that it is young people climbing over and causing the damage. We want to do all we can to avoid disturbance and be neighbourly.*

How is the club currently used?

*There are currently 280 members of the club. During the evenings on Monday to Thursday we usually have about 3 members in having a drink and we close by 10pm as there is no demand. On a Friday there are about 60 people in as we have a darts team. On a Saturday we have about 30 people in. Most of the events we hold are on Saturday evenings. We are applying for the change so that we don't have to apply for a Temporary Events Notice each time we want to hold an event, but we have no intention of using the late opening on a regular basis.*

Do you have any plans to put down a tarmac drive to reduce the noise from the gravel?

*If we were able to build up a fund to do this then we would look into it. We will encourage our patrons to park at the front and not use the gravel drive.*

The following questions/issues were raised with those who had made relevant representations present at the meeting (Fiona Musker and Jane Rattue):

How long have you lived at your current address?

*I have lived there since 1992 and not noticed an increase in problems, but don't want an increase. I have problems with children who are using the premises that are not supervised. When they are playing out in the field they have used dangerous methods to knock down conkers from my tree that overhangs the field and often to come into my garden to collect balls without permission.*

Have you got any signage in your garden?

*I have been disturbed by people entering my garden at 20:30/21:00 hours and when I do question them I usually get abuse.*

Have you raised these issues with the Applicant?

*No.*

Mr Collins on behalf of the Applicant stated that the current club Committee members are seeking continuous improvement and had not received any verbal or written complaints about the Club until the application for a premises licence was submitted. The Club now had a complaints procedure in place. The Club would be very happy to hear any concerns that neighbours have and do their best to resolve issues.

Paul Taylor (Senior Solicitor) wished to clarify that it was the intention to only allow internal club member events to make use of the extended licensing hours. The Applicant confirmed that this was correct and other non-member events, i.e. funerals would be held during the day.

Hannah Hould (Public Protection Officer – Licensing) confirmed that although the Club may intend to carry on running as they were under the Club Premises Certificate, the Council would be unable to condition the Premises Licence limiting the opening times.

In summation those who had made relevant representations asked how long a licence if granted would last. It was confirmed by Officers that it would remain in place indefinitely provided that the annual fee is paid and that it is not brought in to review and revoked.

The Chairman explained that should a license be granted that all conditions must be fully complied with and if there were any problems that arose, any party to the hearing were able to make an application for a review of the licence,

In summation the Applicant confirmed that:

- They are trying to provide a service to their community;
- In the main events would be held on a Saturday and probably likely to only be 4 times a year; and
- In previous years the club had made losses and they were seeking to find additional daytime income to keep the club going.

The Sub Committee then retired to consider the application at 11:15am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 12:00.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that there was no specific material legal advice given in closed session.

**Resolved:**

The decision of the Sub Committee is to GRANT the application for a Premises Licence for Ludgershall Sports & Social Club, 37 Tidworth Road, Ludgershall, as detailed below:

Licensable Activity	Timings	Days
<b><u>Provision of regulated entertainment</u></b>		
Live Music (indoors and outdoors)	12:00 – 00:00 12:00 – 02:00 (next day) 12:00 - 23:00	Monday – Thursday Friday and Saturday Sunday
Recorded music (indoors and outdoors)	12:00 – 00:00 12:00 – 02:00 (next day) 12:00 - 23:00	Monday – Thursday Friday and Saturday Sunday
Sale by retail of alcohol ON and OFF sales	12:00 – 00:00 12:00 – 02:00 (next day) 12:00 - 23:00	Monday – Thursday Friday and Saturday Sunday

Subject to conditions consistent with those offered in the Applicant's Operating Schedule, Noise Management plan and supporting statement and to the following additional conditions

1. The sale of alcohol and the provision of regulated entertainment beyond 00:30 on Fridays and Saturdays:
  - a) Will only be permitted on no more than 12 occasions per calendar year.
  - b) Will only be permitted as part of an event organised by or behalf of a member of the Sports and Social Club .
  - c) Will require the Licensing Authority to be notified 14 days prior to the event for which the extended hours will be used and a prominent notice to be displayed at the premises for the benefit of the local residents at least 14 days before the event.
2. Appropriate signage will be displayed at the premises requesting that customers leave the premises quietly.

## **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 noise and disturbance in the area.

The Sub Committee accepted that there could be noise issues with late night events and that it was therefore appropriate to limit the number of such events and to require them to be organised by members of the Club, thereby providing a further measure of control.

The Sub Committee also 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.

## **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: 10.20am – 11.15am  
Adjournment for Decision – 11.15am – 12.00pm  
Announcement of Decision 12.00pm – 12.05pm)

The Officer who has produced these minutes is Lisa Pullin,  
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