

SOUTHERN AREA LICENSING SUB-COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 22 JULY 2010 AT SALISBURY CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Richard Beattie, Cllr Pip Ridout and Cllr Trevor Carbin

Also Present:

Pam Denton, Senior Democratic Services Officer
Liam Paul, Democratic Services Officer

Debbie Mulvey, Licensing Officer
Sam Colley, Licensing Manager
Roger Hodgkinson, Solicitor and Legal Advisor to the Committee

Mrs C Burnett, the Applicant
Mr W.J.Weekes, Chairman of the Stratford Social Club

1. **Election of Chairman**

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

Resolved:

To elect Cllr Richard Beattie as Chairman, for this meeting only.

2. **Procedure for the Meeting**

The Chairman outlined the procedure for the meeting, and all those present introduced themselves.

3. **Chairman's Announcements**

There were no announcements.

4. **Members' Interests**

There were no declarations of interest.

5. **Licensing Application**

Application for a Club Premises Certificate for Stratford Social Club, Salisbury

The Chairman began by inviting the Licensing Officer to outline her report and state the details of the application.

The Licensing officer introduced her report. A correction was needed as on New Year's Eve, live music was only required from 19:00 – 0030, rather than 01:30 as previously stated.

Mrs Burnett, the applicant and also Mr W.J.Weekes, speaking on behalf of the social club were then given the opportunity to summarise their views.

The Sub-Committee then retired to consider the application at 10:20.

During their deliberation the Sub-Committee members were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer. Following the deliberations of the Sub-Committee the Solicitor for the Council made a statement of the material legal advice given in closed session

Meeting reconvened at 11:02

Following the deliberations of the Sub-Committee the Solicitor for the Council made a statement of the material legal advice given in closed session, as follows:

The Sub-Committee must decide if there is a real possibility that one or more of the licensing objectives will be undermined, based on the evidence presented to it. If they feel on the evidence supplied before the Sub-committee that there is no reason to believe that any of the licensing objectives would be undermined by the granting of the application, they should accept the application as it stands without additional conditions.

The Sub-committee **RESOLVED**:

To grant the licence, as applied for, save for the addition of the mandatory conditions and conditions that are consistent with the operating schedule.

Reasons:

The Sub-committee considered the application and the statements made in support by Mrs Burnett and Mr Weekes, together with the letter of objection from the Camping and Caravan Club

The Sub-committee is obliged by section 18 of the act to consider the objection and the likely effect of this application on one or more of the licensing objectives as set out in section 4) of the Licensing Act 2003.

The letter of objection is essentially an objection based on the potential problem of noise nuisance. Specifically the letter refers to “the noise disturbance which will be caused to our campers”. Nobody from the Caravan Club attended to give oral evidence, and the letter itself contains no supporting evidence for the assertion that disturbance will be caused.

The Sub-committee is required to assess whether or not the application presents a real possibility of one or more of the licensing objectives being undermined. In the absence of any supporting evidence the Sub-committee does not consider itself entitled to speculate on the possibility of future problems.

Indeed in this instance the Sub-committee takes account of the guidance issued under section (182) of the act, which discourages a Sub-committee from considering in the licensing decision matters which fall under other legislation.

Representatives of the Social Club have indicated that they have turned their mind to potential problems by stating in their oral evidence that the new property will include secondary glazing and curtains/blinds, that the applicant has stated will be drawn when an event is taking place.

In summary as the Sub-committee is not satisfied that there is any evidence that they can properly consider to suggest the granting of the application will undermine one or more of the licensing objectives, they therefore grant the application as it stands, save for the addition of the mandatory conditions and conditions that are consistent with the operating schedule.

Additionally the Sub-committee notes the fact that the hours of provision of live music on New Year’s Eve are 19:00 until 00:30, and not until 01:30 as originally stated.

The Chairman then thanked all the parties for attending and closed the meeting.

(Duration of meeting: 10.04 - 11.06 am)

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