

REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Report No.

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| Date of Hearing | 6 January 2011 |
| Title of Report | Application for a Premises Licence, Trowbridge Cricket Club Lower Court Trowbridge BA14 8PX |
| Link to Corporate Priorities | None - this is a statutory requirement |
| Public Report | Yes – This matter is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public. |

Summary of Report

An application for a Premises Licence has been made for which there are relevant representations.

Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations.

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

The licensing objectives are: - The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the Protection of Children from Harm.

Such steps are: -

- To modify the conditions of the licence
- To reject the whole or part of the application
- Not take any further action.

Officer Recommendations

None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.

There is no other background information from any other departments of the Wiltshire Council

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

| Financial Implications | Legal Implications | Community & Environmental Implications | Human Resources Implications | Equality & Diversity Implications |
|------------------------|--------------------|--|------------------------------|-----------------------------------|
| None | Yes | None | None | None |

Contact Officer

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1. Introduction

An application for a premises licence by Brian Scrine and Christine Davis has been made for which there are relevant representations.

Wiltshire Council (as the Licensing Authority) must hold a Hearing to consider the application having regard to these representations.

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

2. Options and Options Appraisal

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary.

3. Background Information

On the 8 November 2010, an application for a Premises Licence was received and accepted as a valid application. This application, if granted, is to license:

- The supply of alcohol.
- Plays, live music, recorded music, anything of a similar description, provision of facilities for making music and dancing
- Provision of late night refreshment.

The application as applied for, is as follows:

| | | |
|-----------------|---|----------|
| Sale of Alcohol | 1100 to 2300 Monday to Thursday 0900 to 0100 Friday 0900 – 0130 Saturday 1100 – 2400 Sunday | On sales |
| Live Music | 2000 to 2330 Sunday - Thursday 2000 to 0130 Saturday Special Events inc New years Eve (time not specified) | Indoors |
| Recorded Music | 1000 to 2300 Sunday to Thursday 1930 to 0130 Friday 1930 to 0200 Saturday Special Occasions/events | Indoors |

Inc New Years Eve (time not specified)

Anything of a similar
Description/Provision of
facilities for making
music & dancing

Times not specified

Late Night Refreshment

2300 – 0100
Friday
2300 – 0130
Saturday
2300 – 2400
Sunday

4. Representations

During the consultation period representations have been received from the following:

(a) Interested Parties:

Mr M Aldam 23 Downhayes Road Trowbridge
Gary & Lena Wayman 3 Lower Court Trowbridge – also representing
Mr Stevens of 1 Lower Court
Miss Gale 16 Lower Court Trowbridge
Miss P Billing 22 Lower Court Trowbridge
Mr & Mrs A W Morgan 20 Lower Court Trowbridge
Jacqui & Mark Shroll 13 Palmer Road Trowbridge
Mrs J & Mr D Connor 25 Palmer Road Trowbridge
Mrs V Perry 39 Palmer Road Trowbridge

| <u>Representation</u> | <u>Licensing Objective</u> | <u>Accepted</u> | <u>Comments</u> |
|---|----------------------------|-----------------|-----------------|
| Noise from premises | Public Nuisance | Y | |
| Noise from customers leaving the premises | Public Nuisance | Y | |
| Antisocial Behaviour | Crime & Disorder | Y | |
| Vehicle Access | Public Safety | Y | |

Copies of all representations are attached to this report as Appendix 2

The plan attached to this report as Appendix 4, includes the plotting of the locations where representations have been made.

5. Background information from other Departments of the Council

Following complaints from one local resident concerning noise disturbance from performances of live music at Trowbridge Cricket Club, the Wiltshire Council's Pollution

Team carried out an investigation and subsequently on the 13 May 2010, served a Noise Abatement Notice on the Club.

6. Conditions to be added to the Operating Schedule

Prior to the end of the 28 days consultation period and following discussions between the Applicants and Environmental Health Officer, Guy Sharp, from the Wiltshire Council's Pollution Team (a Responsible Authority named under the Licensing Act 2003), the following are to be added as conditions to the premises licence, should the application be granted by the Committee:

- A noise limiting device shall be fitted on the first floor and all live music provided on this floor shall be played through this device. The noise limiter shall be connected to the mains supply and prior to any live music being provided, the limiter shall be set at a level agreed with officers from the Environmental Protection Department of Wiltshire Council. This level shall not be altered and once agreed, access to the limiter shall be restricted to senior members of staff only for resetting purposes.
- The applicant shall submit a noise management plan. The plan shall include a suitable monitoring regime when live music is being provided on the first floor, including exact locations, frequency and documentary evidence that monitoring is being carried out. The plan shall be agreed by the Council's Environmental Protection Department in writing before any regulated entertainment takes place at the premises. Any minor alterations to the noise management plan shall be submitted to and agreed in writing, by the Council.
- Live music on the first floor shall be limited to two events per calendar month.
- Live music on the first floor shall cease at 2330 hours.

7. Legal Implications

It should be noted that both the Applicant and the Interested Parties may appeal the decision made by the Licensing Sub Committee. The decision made by the Licensing Sub Committee, however, takes immediate effect.

The Applicant and all Interested Parties have been informed of the date, time and location of the Hearing and their right to be represented.

8. Risk Analysis

Not applicable.

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| Appendices: | <ul style="list-style-type: none">• 1. Application for a premises licence under the Licensing Act 2003• 2. Copies of relevant representations• 3. Applicants' supporting statement• 4. Current Club Premises Certificate• 5. Location map |
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Previous Decisions Connected with this Report

| Report | Committee & Date | Minute Reference |
|---------------|-----------------------------|-------------------------|
| None | | |

Report prepared by Maggie Jones, Policy & Licensing Officer – Licensing Team, West Hub