

## **Wiltshire Council**

### **Southern Area Licensing Sub-Committee**

**14 September 2015**

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#### **Application for a Premises Licence; Ludgershall Sports & Social Club, 37 Tidworth Road, Ludgershall, Wiltshire, SP11 9QE**

#### **1. Purpose of Report**

- 1.1 To determine an application for a Premises Licence in respect of Ludgershall Sports & Social Club, 37 Tidworth Road, Ludgershall made by Ludgershall Sports & Social Club.

#### **2. Background Information**

- 2.1 An application for a Premises Licence in respect of Ludgershall Sports & Social Club has been made by Ludgershall Sports & Social Club for which 15 relevant representations have been received.
- 2.2 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) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
  - ii) Public Safety;
  - iii) The Prevention of Public Nuisance; and
  - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
  - ii) To exclude from the scope of the application any licensable activity.
  - iii) To refuse to specify a person as the designated premises supervisor.
  - iv) To reject the application.
- 2.5 The applicant submitted an application to vary a Premises Licence on 9<sup>th</sup> July 2015 which was not accepted as a valid application and was subsequently withdrawn.

2.6 On 21st July 2015 an application for a new Premises Licence was received and accepted as a valid application.

2.7 The application as originally applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Live music (Indoors & Outdoors)	12:00-00:00 12:00-02:00 (next day) 12:00-23:00	Monday-Thursday Friday & Saturday Sunday
Recorded music (Indoors & Outdoors)	12:00-00:00 12:00-02:00 (next day) 12:00-23:00	Monday-Thursday Friday & Saturday Sunday
Sale by retail of alcohol (ON & OFF Sales)	12:00-00:00 12:00-02:00 (next day) 12:00-23:00	Monday-Thursday Friday & Saturday Sunday

A copy of the application from Ludgershall Sports & Social Club is attached as **Appendix 1**. The prospective Designated Premises Supervisor as named on the application form is currently undertaking steps during the consultation period to gain a personal licence, to enable him to carry out this role.

2.8 The premise has held a Club Premises Certificate under the Licensing Act 2003 since 24<sup>th</sup> November 2005. A copy of the current Club Premises Certificate is attached as **Appendix 2**.

2.9 Since June 2015 Wiltshire Council has received three complaints from the same complainant in relation to the premises with regards to noise nuisance.

### **3. Consultation and Representations**

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period 15 relevant representations have been received from 15 local residents.

#### **3.3 Representations Received**

- Mr Darren & Mrs Jane Rattue, 22 Astor Crescent, Ludgershall, SP11 9RE

- Mr & Mrs Perry, 39 Tidworth Road, Ludgershall, SP11 9QE
- Mrs S Smith, 3 Astor Crescent, Ludgershall, SP11 9RG
- Mrs S Gardner, 1 Astor Crescent, Ludgershall, SP11 9PZ
- Miss P Goss, 5 Astor Crescent, Ludgershall, SP11 9EG
- Mrs L Bulloch, 2 Astor Crescent, Ludgershall, SP11 9RE
- Mr B & Mrs P Sprigg, 10 Astor Crescent, Ludgershall, SP11 9RE
- Mrs Fiona Musker, 36 Astor Crescent, Ludgershall, SP11 9RF
- Mr & Mrs Cleeton. 53 Tidworth Road, Ludgershall, SP11 9QE
- Margaret Winterbourne, 11 Astor Crescent, Ludgershall, SP11 9RG
- Mr L Wilkins, 47 Astor Crescent, Ludgershall, SP11 9RG
- Mr Daniel Marriott, 3 Springfields, Astor Crescent, Ludgershall, SP11 9BW
- Mr Nick and Mrs Catherine Sutherland, 7 Springfields, Astor Crescent, Ludgershall, SP11 9BW
- Mr S P Bray, 43 Astor Crescent, Ludgershall, SP11 9RG
- Mr T D Millet, 9 Springfields, Astor Crescent, Ludgershall, SP11 9BW

### 3.4 Responsible Authorities

No Responsible Authority has made a representation in connection with this application.

3.5 A summary of the representations made are detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Mr & Mrs Rattue	Public Nuisance	Yes	Noise from customers & music, increased litter
Mr & Mrs Perry	Public Nuisance	Yes	Noise from music, light pollution
Mrs S Smith	Public Nuisance	Yes	Noise from music and customers leaving
Mrs S Gardner	Public Nuisance	Yes	Noise level from music
Miss P Goss	Public Nuisance	Yes	Noise level from music
Mrs L Bulloch	Public Nuisance	Yes	Noise from customers & increased litter
Mr & Mrs Sprigg	Public Nuisance	Yes	Noise from customers and music
Mrs Fiona Musker	Public Nuisance	Yes	Noise from music and customers, anti-social behaviour
Mr & Mrs Cleeton	Public Nuisance	Yes	Noise from music & customers. Criminal damage concern
Margaret Winterbourne	Public Nuisance	Yes	Noise from music & customers
Mr L Wilkins	Public Nuisance	Yes	Noise from music &

			customers
Mr Daniel Marriott	Prevention of Children from Harm, Prevention of Public Nuisance & Prevention of Crime & Disorder	Yes	Noise from music & customers, anti-social behaviour
Mr & Mrs Sutherland	Prevention of Public Nuisance	Yes	Noise from music & customers
Mr S P Bray	Prevention of Public Nuisance	Yes	Noise from music & customers
T D Millet	Prevention of Public Nuisance & Prevention of Crime & Disorder	Yes	Noise from music & customers, anti-social behaviour

3.6 The relevant representations are attached as **Appendix 3**. Some of those who made representations were asked to provide further documentation, due to their original representation explicitly referring to the previously submitted variation application, which was not accepted as a valid application. All documentation received has been included within **Appendix 3**. Attached as **Appendix 4** is a plan which shows the locations from where representations have been made.

3.7 During the consultation period, the applicant made the following amendments to the Premises Licence application and subsequent operating schedule:

- 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 which is attached as **Appendix 5**.

3.8 The applicant and those who have made a representation have been informed of the Legislative Reform (Entertainment Licensing) Order 2014 which came into force on 6 April 2015. This order has deregulated regulated entertainment in certain situations. This would affect the second amendment in relation to outside music ceasing at 21:30hrs, as amplified live music that takes place on premises licensed to sell alcohol ON the premises/or a workplace no longer require a licence between 08:00hrs and 23:00hrs, providing the audience does not exceed 500 people.

3.9 During the consultation period, Ludgershall Town Council asked the applicant to consider a further condition to be imposed within the operating schedule of the application:

- For the premises to install a noise limiting system.

This condition was not agreed by the applicant, who sought advice from Wiltshire Council's Environmental Health Officer, Chris Portnall. Mr Portnall's summary of advice provided is attached as **Appendix 6**. Further submissions by the applicant are found at **Appendix 7**.

Ludgershall Town Council did not wish to object to the new premises licence application in light of the further condition not being imposed by the applicant. They also sought advice from Wiltshire Council's Environmental Health Team. The Town Councils support for the application was however based on the implementation of the amendments made to the application by the applicant (listed at 3.7).

#### **4. Legal Implications**

4.1 This hearing 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.

4.2 The Applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

#### **5. Officer Recommendations**

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

#### **6. Right of Appeal**

6.1 It should be noted that the Applicant and those persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a

person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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Date of report: 1 September 2015

### **Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

### **Appendices**

- 1 Application for a new Premises Licence**
- 2 Club Premises Certificate**
- 3 Relevant Representations**
- 4 Map of Location of Representation's**
- 5 Noise Management Plan**
- 6 Email from Environmental Health Officer, Chris Portnall**
- 7 Additional applicant submissions**