

## EASTERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 15 APRIL 2013 AT LECTURE ROOM, BRAESIDE EDUCATION & CONFERENCE CENTRE, BATH ROAD, DEVIZES, SN10 2AP IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE AT LUDGERSHALL DEVELOPMENT CENTRE, 30 ANDOVER ROAD, LUDGERSHALL**

**Present:**

Cllr Rod Eaton, Cllr Jose Green and Cllr Jonathon Seed

**Also Present:**

Jane Cowley, (Licensing Officer, Wiltshire Council), Lauren Kemple (Solicitor, Wiltshire Council), Kevin and Ros McGowan (Those who made Relevant Representations), and Lisa Pullin (Democratic Services Officer, Wiltshire Council)

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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 Jonathon Seed 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 1 – 8) of the Agenda refers).

**3 Chairman's Announcements**

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 by Wiltshire Council for a Premises Licence at Ludgershall Development Centre, 30 Andover Road, Ludgershall, SP11 9LZ**

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 and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Kevin Sweeney, Area Manager of the Integrated Youth Service of Wiltshire Council (Applicant) were:

- That the application had been made for every night of the week to allow flexibility in the nights that the Centre was able to open. It was only intended that the Centre be open for two days a week as that was all that the Centre's resources allowed;
- That from time to time the Centre would like to have the ability to hold fundraising events on a Saturday, these could be limited up to 12 per year; and
- That the applicant would be happy to remove the provision for live music from the application to mitigate any local concerns and meet with nearby residents to address any issues they may have. He would also be happy to agree that the Centre would not operate beyond 22:00.

The Chairman then clarified the following points with the Applicant who confirmed his agreement:

- That the application for the provision of live music was withdrawn from the application;
- That the application be amended so that the Centre was able to open on 2 days per week, Monday to Friday, to suit the needs of the Centre;
- That additional opening be allowed for up to 12 Saturdays per year; and
- That the Centre would not provide the regulated entertainment and operate beyond 22:00 on any week nights or Saturday nights.

The Sub Committee then asked questions of the applicant about the structure of the building, and the ages and the numbers of young people that use the Centre.

Key points raised by those who had made Relevant Representations were:

Kevin and Ros McGowan

- That the notification for local residents of the application was not what they would have expected it to be – they had expected to receive a letter giving details of the application and how they could respond to it;
- That after hearing from the applicant, many of their concerns had now been addressed, but the from original application they had the impression that they would be in the proximity of a junior nightclub and were very concerned about the possible disturbance from the music and the late opening times;
- A concern about the emergency exit access on the outside of the property; and
- The possibility of other users hiring the Centre may open late and have loud music.

The following points were clarified:

- That Wiltshire Council do not own the building;
- If there were any others hiring the Centre for a private event they would have to comply with any Premises Licence granted today; and
- If any other regulated entertainment or extended timings were required for an event outside of any existing Licence this would need to be covered with a Temporary Event Notice.

The Sub Committee then retired to consider the application at 11.00am with the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11.15am.

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

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

**Resolved:**

**That the Eastern Area Licensing Sub Committee has resolved to GRANT the Premises Licence for the following licensable activities:**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Films (indoors) Recorded music (indoors) Performance of dance (indoors)	Two days per week between Monday to Friday	08:00 to 22:00
No live music	All of the above regulated entertainment on a maximum of twelve Saturdays throughout the year.	08:00 to 22:00

**Advisory Note**

That the Applicant is to provide nearby residents with relevant contact information for use in the event of concerns once the licence is issued.

**Reasons**

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 concerns of the representations in respect of noise nuisance.

In reaching its decision the Sub Committee has 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 granting of this licence is without prejudice to any other consents or approvals that may be required.

**Right to Appeal**

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision.

The Officer who has produced these minutes is Lisa Pullin, direct line 01225 713015  
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