

## SOUTHERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 8 APRIL 2013 AT CROWN COURT - THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH IN RESPECT OF AN PREMISES LICENCE - DURRINGTON DEVELOPMENT CENTRE FOR YOUNG PEOPLE**

**Present:**

Cllr Trevor Carbin, Cllr George Jeans and Cllr Pip Ridout

**Also Present:**

Debbie Mulvey (Licensing Officer), Stuart Figini (Democratic Services Officer), Samuel Bath (Democratic Services Officer) and Lauren Kemple (Solicitor)

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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 Trevor Carbin 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 – 6 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 Durrington Development Centre for Young People, The Ham, Durrington, SP4 8HW**

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 Interested Parties were given the opportunity to address the Sub Committee.

Key points raised by Mr Kevin Sweeney on behalf of the Applicant were:

- It was accepted that a number of local residents had objected to the opening of the Development Centre, however the applicant suggested that the number of days requested in the application could be reduced to the current usage to mitigate any local concerns.
- There was no intention to have live music at the Centre and therefore the applicant also asked for live music to be removed from the Licensable activities.
- No expansion of the site was planned.
- No formal complaints regarding noise, criminal damage or traffic had been received by police or Wiltshire Council officers.
- Wiltshire Council was happy to continue to meet with local residents to address any concerns.

Opportunity was given to ask questions of the Applicant and Wiltshire Council Officers by Members, and points including the following were raised:

- There were no plans to drastically change the functioning or activities of the existing centre on the site; the application was merely to meet the licensing obligations.
- It was confirmed that the Centre was currently open on Monday, Wednesday and Fridays evenings and Tuesday afternoons. The applicant also suggested that the young people would like to hold fundraising events on Saturdays throughout the year.
- The Police Community Support Officer occasionally visited the centre and has expressed support for the events held and the supervision of the events.

Key points raised by the Responsible Authority - Peter McMillan, Senior Environmental Health Officer were:

- The construction of the building housing the Centre was inadequate for loud regulated entertainment
- The nearest residential neighbours were very close to the building and would potentially be impacted from the comings and goings from the Centre

- There was some history of complaints from people living nearby as a result of noise created by the young people attending the centre.

Key points raised by the Interested Parties – Mr C Pottage on behalf of local residents – Mrs H R Jones, Mr J & Mrs D Fields, Ms K Pottage, Mrs J Pottage, Mr K & Mrs T Buringham, Mr E & Mrs A Reeves, Mr & Mrs T Adaway and Mr Jones were:

- The neighbours were concerned about the noise from the Centre, from traffic using the lane to access the Centre and the potential impact from live music. There was particular concern about the bass beat that could be heard and felt from some distance away.
- The local residents would support opening hours based on the current opening hours of 19:00hrs-21:00hrs Monday, Wednesday and Friday, 13:00hrs-15:00hrs Tuesday afternoons and the occasional Saturday 09:00-21:00hrs.
- The residents had experienced disturbance and anti-social behaviour in relation to the operation of the Centre, with some residents subjected to abuse when asking young people to leave the area quietly.

The parties were given the opportunity to ask questions of the Responsible Authority, Interested Parties and Wiltshire Council Officers. Members sought clarification on:

- The revised proposal for days and hours requested by the applicant
- The route used by the young people to access the Centre

The Sub Committee, Solicitor for Wiltshire Council and the Democratic Services Officer then retired to consider the application at 10:55hrs.

The Hearing then reconvened at 11:35hrs.

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

That no specific legal advice had been given.

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:**

The Southern Area Licensing Sub Committee has resolved to GRANT the licence for the following licensable activities:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Films Performance of dance Anything of a similar description	Three days per week between Monday to Friday	08:00 to 22:00
Recorded music	Three evenings per week between Monday and Friday	19:00 to 22:00
	One afternoon once a week between Monday and Friday	13:00 to 15:00
	All of the above regulated entertainment on a maximum of twelve Saturdays throughout the year.	13:00 to 17:00
No live music		

And subject to the following additional condition:

1. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly and not loiter close to the entrance.

### **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 disturbance and litter.

The Sub Committee also imposed an additional condition to address the concerns regarding noise nuisance.

The Sub Committee noted that all parties were in agreement with the suggested amended Licensable Activities, hours and days detailed above.

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.

The Sub Committee had regard to comments about recorded music potentially having the same impact on local residents as live music. It was therefore suggested that the recorded music should be at a level to the satisfaction of the Council's Environmental Health Department.

### **Right to Appeal**

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

(Duration of meeting: 10.30 - 11.40 am)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services, direct line 01225 - 718376 , e-mail [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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