

WESTERN AREA LICENSING SUB-COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 6 JANUARY 2011 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE AT TROWBRIDGE CRICKET CLUB, THE COUNTY GROUND, LOWER COURT, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Mark Griffiths

Also Present:

Maggie Jones, Wiltshire Council Licensing Officer
Guy Sharp, Wiltshire Council Environmental Health Officer
Chris Marsh, Wiltshire Council Democratic Services Officer
Duncan Milne, Barrister acting on behalf of Wiltshire Council

11. **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.

12. **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).

13. **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency and drew attention to the following updates to the agenda:

- Amendment to the hours of live music applied for – Licensing Officer's report should read: "2000 to 0130 Friday" and "2000 to 0200 Saturday"

- Withdrawal of objection received from Mr and Mrs M Shroll, who had subsequently expressed support for the application
- Substitution of Wiltshire Council solicitor Paul Taylor for barrister Duncan Milne, owing to Mr Taylor's previous involvement in the appeal against a Noise Abatement Order issued against Trowbridge Cricket Club on 13th May 2010.

The Chairman announced that further material had been produced on the day by the applicant for consideration by the Sub-Committee. In line with procedure, the objector present was asked whether he consented to the submission of this material. The individual objected to the material being submitted and as such it was,

Resolved:

That the additional material be withdrawn and the meeting proceed with the evidence previously available.

14. **Declarations of Interest**

There were no interests declared.

15. **Licensing Application**

Application by Mr Brian Scrine and Miss Christine Davies for a Premises Licence at Trowbridge Cricket Club

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, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by Mr Colin Poplett of Trowbridge Cricket Club were:

- Clarification of the live music times applied for and anticipated frequency of their use;
- Acceptance by the Club of previous nuisance caused by events;
- Ongoing consultation with neighbours to resolve or mediate disturbance;
- Intentions to monitor and limit noise levels emanating from the clubhouse;
- No objections to application from police and no record of related antisocial behaviour;
- Unavoidable use of the cricket pitch for landing by the Air Ambulance Service;
- Parking problems caused by the vehicles of the probation service are not related to the club and are therefore beyond their control;

- The licence is required in order to ensure the financial viability of the club, as it receives no grant or external funding; and
- The club has an excellent record in child protection and inclusivity, demonstrating a commitment to the community.

Key points raised by the Interested Party, Mr Martin Aldam, were:

- Objection to the hours proposed as per the application form, should the applicant elect to exercise these in full;
- Encouraged by the applicants' intention to utilise all permitted hours rarely, but would suggest that this would warrant more limited hours;
- Concern over the potential for increased disturbance and antisocial behaviour associated with the club and its operating hours;
- Effect of hosting live music events on the first, rather than ground, floor and extent of noise travel and disturbance associated;
- The existing Noise Abatement Order previously served to the club;
- Encouraged by proposal for noise limiter but suggests that this should be a condition of recorded, as well as live, music;
- Suggestion that identical conditions should be imposed for the limits to alcohol sales and recorded and live music noise on both the ground and first floors.

Key points raised by the Wiltshire Council Environmental Health Officer, were:

- Explanation of the function and mechanism of the noise limiting device and its potential application at the club;
- Reasoning for different licensing conditions for each floor at the club, resultant of where the cause of problems and complaints are considered to be;
- Proposed conditions on the use of a noise limiter and responsibilities of the senior staff in controlling disturbance caused by the club.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Licensing Officers. A debate ensued in which the Sub Committee discussed:

- The potential impacts on the surrounding properties should the licence be granted;
- The conditions proposed by the applicants, interested party and Environmental Health Officer;
- The club's record in dealing with problems arising from hosting licensable activities; and
- The nature and principle of the licence as applied for.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the appointed barrister and the Democratic Services Officer.

The Sub-Committee then retired to consider the application at 11.00am
The Hearing reconvened at 11.50am

Following the deliberations of the Sub-Committee Members, the appointed barrister made a statement of material legal advice given in closed session as follows:

- That the Sub-Committee had to be satisfied that any conditions were necessary and proportionate to achieving the licensing objectives;
- That certain mandatory conditions had to be imposed; and
- That the Sub-Committee had to give sufficient reasons for their decision to ensure natural justice for both parties.

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 Application for a Premises Licence at Trowbridge Cricket Club be granted as detailed below

Sale of Alcohol	1100 to 2300 Monday to Thursday 0900 to 0100 Friday 0900 to 0130 Saturday 1100 to 2400 Sunday	On sales
Live Music	2000 to 2330 Sunday - Thursday 2000 to 0130 Friday 2000 to 0200 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	1930 to 2300 Monday to Wednesday 1930 to 2330 Thursday to Sunday
Late Night Refreshment	2300 to 0100 Friday 2300 to 0130 Saturday 2300 to 2400 Sunday

And subject to the following conditions:

- 1) That an additional CCTV camera is installed at the club premises oriented along Lower Court.

Reason: In the interests of public safety and the prevention of crime and disorder.

- 2) The conditions agreed to be added to the operating schedule, pursuant to the licensing objectives and namely:
 - i. 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;
 - ii. 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;
 - iii. Live music on the first floor shall be limited to two events per calendar month; and

iv. Live music on the first floor shall cease at 23.30 hours.

Reason: Management of noise emanating from the premises is necessary and proportionate to prevent public nuisance.

3) That the application section headed 'Anything of a similar Description/Provision of facilities for making music & dancing' be subject to the same hours and locations as those applied for in Section A of the application form.

Reason: For the avoidance of doubt.

4) In addition, Mandatory Conditions will be imposed in accordance with s.19 of the Licensing Act 2003.

Reasons:

The Sub-Committee heard evidence from the applicant, who accepted there had been a problem with noise nuisance in the past. The Sub-Committee was satisfied they had taken internal steps to address such nuisance but are satisfied it is necessary and proportionate to promoting the licensing objective of preventing public nuisance that the aforementioned conditions are imposed. Additionally, the Sub-Committee was satisfied that the installation of a CCTV camera orientated along Lower Court is necessary and proportionate to achieving the licensing objectives of ensuring public safety and preventing crime and disorder. The Sub-Committee was satisfied that the licensing objectives would not be offended by the licensable activities being carried out at the times specified in the Operating Schedule, save that live music on the first floor is to cease at 23.30 hours. In particular, the Sub-Committee noted that there has been no objection by the police to the application.

(Duration of meeting: 10.00 - 11.55 am)

The Officer who has produced these minutes is Chris Marsh, of Democratic & Members' Services, direct line 01225 713 597058, e-mail chris.marsh@wiltshire.gov.uk

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