

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 28 SEPTEMBER 2015

SUBMITTED TO THE LICENSING & REGULATORY COMMITTEE
26 NOVEMBER 2015

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Simon Inchbald
Cllr Tony Gordon-Smith

Cllr Libby Piper

Apologies

Cllr Kevin Deanus and Cllr Patricia Ellis

5. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Simon Inchbald was elected Chairman for this meeting of Licensing Sub-Committee B.

6. DISCLOSURE OF INTERESTS (Agenda item 2.)

Cllr Tony Gordon-Smith declared an interest in Agenda Item 3 as a friend of The Clockhouse. He made a monthly donation to the charity but had no involvement or influence over the management of the organisation or the spending of the funds.

PART I - RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PART II - MATTERS OF REPORT

Background Papers

The background papers relating to the following report items in Part II are as specified in the agenda for the Committee.

7. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - THE CLOCKHOUSE, CHAPEL LANE, MILFORD GU8 5EZ (Agenda item 3.)

The applicant, represented by the Chairman and a member of the Trustees of The Clockhouse attended the meeting.

The Licensing Manager introduced the report and explained that this was a new application seeking to license the premises of a Day Centre of older people. The application sought permission for the provision of regulated entertainment (indoors only) and to sell alcohol for consumption on the premises only. Five valid written representations had been received and a number of objectors were in attendance to present their objections.

The applicant's representatives outlined their application which was to obviate the need to submit TENs for events throughout the year as had been the previous practice. The Clockhouse did not envisage increasing the number of events throughout the year and the hours requested were a generalisation to cover different events. It was clarified that the requested hours for the sale of alcohol were as submitted on the application 1100 to 2300 Monday to Sunday and not 0900 to 2300 as stated in the covering report.

Following questions from the Sub-Committee, The Clockhouse representatives said that if the Sub-Committee was minded to grant the licence, they would accept a condition to reduce the hours for all licensable activities to 2330 (other than the sale of alcohol), and accepted that a Trustee or member of staff be on duty on the premises when alcohol is available.

The objectors present then made their representations. Their main concern was that the number of events would significantly increase, leading to the potential for public nuisance. The objectors said if the number of events were limited this would significantly allay their concerns. A number of fifteen events per year was suggested and The Clockhouse representatives accepted this as a condition should the licence be granted.

The Council's Solicitor advised The Clockhouse representatives of the mandatory conditions of the Licensing Act which said that sale of alcohol must be supervised by a Personal Licence Holder, who was the responsibility of the Designated Premises Supervisor. The Clockhouse representatives were given time to read the Licensing Guidelines relating to this.

A condition to ensure that windows and doors, other than those to the rear of the premises, be kept closed after 2000 hours during regulated entertainment events, except for access and egress was suggested. This would also be to limit public nuisance noise from music.

Another concern raised by the objectors was parking as The Clockhouse car park could not accommodate the number of cars that could be anticipated at events. The Chairman advised that this was not an issue covered by the Licensing Act unless it was a cause of public safety or public nuisance, which would have to be proved.

The Sub-Committee then WITHDREW at 10.45 am.

Following the Sub-Committee's deliberation the meeting resumed at 12.17pm. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

The Sub-Committee had carefully considered the application for a new premises licence, taking into account the representations received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

The Sub-Committee noted that facilities at The Clockhouse were available for hire and that the Hire Agreement stipulated restrictions regarding music and alcohol to comply with the licence.

On the balance of probabilities the Sub-Committee found that, on the evidence before them, the application could be GRANTED subject to the conditions consistent with what is offered in the operating schedule, and with the addition of the conditions set out below which were largely agreed by the applicant.

1. All licensable activities (other than the sale of alcohol) to end at 23:30.
2. All windows and doors other than those at the rear of the premises to be kept closed after 20.00 hours during regulated entertainment events, except for access and egress;
3. Notices to be prominently displayed asking guests to respect neighbours and leave the premises quietly;
4. Notices to be prominently displayed giving a contact telephone number of a member of staff in the event of an emergency/complaint;
5. At least one Trustee or member of staff to be on duty on the premises at every event where alcohol is available;
6. No glasses or opened bottles to be taken outside the building;
7. No more than 15 events# per year and a register of all such events to be kept and made available for inspection by the Licensing Authority;

The Sub-Committee encouraged regular meetings between Trustees and local residents to enable discussion on issues arising.

The Sub-Committee considered the views of the objectors and the objectors' fears that public nuisance problems could arise. The Sub-Committee believed that the amended application, the conditions agreed and those imposed by the Sub-Committee adequately addressed those concerns. They were designed to minimise the impact of the licence application. The conditions also addressed the objections received relating to the other licensing objectives.

The Sub-Committee was conscious that should there be any cause for concern in the future, legislation allowed for members of the community and responsible authorities to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

Those present were advised that the applicant or any person who made a representation may appeal against the decision to the magistrates' court within 21 days of receiving written notice of this decision.

"an event" is an occasion on which a licensable activity takes place after 6pm.

The meeting commenced at 10.00 am and concluded at 12.21 pm

Chairman