

LICENSING SUB-COMMITTEE HEARINGS

9 DECEMBER 2011

Present :- Councillor Barrie Cook (Chairman)
Councillors Christopher Garnett
Substitute Member :- Councillor Michael Lilley for Councillor Pauline Hazell

1. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the meeting held on 29 July 2011 were confirmed as a correct record.

4. Applications under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

• Belle Vue Social Club

The Sub-Committee considered an application for to vary the club premises certificate in respect of Belle Vue Social Club to permit the supply of alcohol; the provision of indoor sporting events; live and recorded music; facilities for dancing; and facilities for music for increased hours.

In Attendance

Applicant: Mrs S Knight, Club Secretary; Mr B Millard, President; Mr D Allen, Vice-President; Mr McKnight, Committee Member; Mr P Reynolds, Committee Member
Officers: Mr O'Shea, Licensing and Enforcement Manager; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mrs White, Committee Services Officer (Licensing)
Objectors: Councillor Sypvee, Councillor Frame on behalf of local residents; Mr Gascoyne; Mrs Williams; Ms Skinner
Supporters: Mr D Laws

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that 6 representations had been received from interested parties opposing the

application, 2 from ward councillors and 4 from residents. Five relevant representations had also been received from interested parties supporting the application. The objections concerned the licensing objective of the prevention of public nuisance. There were no outstanding representations from responsible authorities, the applicant having agreed conditions with the Police and Environmental Control.

The applicant circulated a copy of a plan of the premises to the parties at the hearing. The plan showed the layout of the premises and in particular the location of the function room and smoking areas in relation to the rest of the premises. Residents were able to indicate to the Sub-Committee the position of their properties in relation to the premises. The plan also contained noise readings that had been taken around the premises on a night when musical entertainment was taking place.

Mrs Knight presented the application on behalf of Belle Vue Social Club and outlined its history, member profile and method of operation. The Club had been in existence for 85 years and offered a range of social club activities. The average age of members was 60-65 years. Mrs Knight explained that it was not the intention of the Club by applying to extend its licence to substantially increase the Club's hours of operation. The extension was sought to ensure that current events were always within the terms of the licence, for example if a darts match took longer to complete than anticipated the Club was currently in danger of exceeding the times on their licence and the extension would overcome this problem, if granted.

Mrs Knight mentioned that the Function Room was hired out for private parties and since October 2011 three events had taken place at the premises using this room. Mrs Knight reported that the events had gone very well and there had been no problems with music from the premises causing a disturbance. However, Mrs Knight mentioned that there had been an issue with taxis not arriving when ordered and that one such incident had led to concerns about a group of individuals waiting outside the premises for their taxi to arrive. Mrs Knight explained that when a request to hire the premises was received, it was placed before the management committee who made the decision as to whether the event could take place. Hirers were asked to supply a guest list and this was scrutinised to identify any potential trouble makers. A larger deposit was also required for 18th and 21st birthday parties.

Mrs Knight informed the Sub-Committee that the Club took the issues raised in the letters of objection very seriously and had met a number of the objectors and succeeded in allaying their concerns and getting them to withdraw their objections to this application. They had discussed the issues raised with Councillor Spyvee and agreed some additional measures and had also spoken to Mr Milham of Environmental Control and agreed to all the conditions he suggested. Mrs Knight informed the Sub-Committee that the Management Committee had had the car park surveyed with a view to relocating the smoking areas but had been advised that they were best left where they currently were.

Mr Milham informed the Sub-Committee that he had visited the premises and felt that the external appearance of the building belied the fact that it was of a reasonable solid construction and that the mitigation measures that had been put in place were successful in ensuring that there was little noise leakage from the building. There were

no opening windows in the function room which would help to prevent the escape of noise. Mr Milham commented on the noise level readings taken outside the premises and gave his view that these compared very favourably to the World Health recommended levels for gardens of 55dB(A) and that of normal conversation of 60dB (A). He was satisfied that noise from events within the premises should not be a problem. In responding to questions concerning the smoking area, he responded that the enclosure of such areas helped to contain sound and stop it travelling into neighbouring gardens but that this containment had to be done within the existing limits on enclosure set by the smokefree legislation. It was mentioned that problems with noise from people using the smoking area at the premises were linked closely to the introduction of the smoking ban and that the Club was, like many others, a victim of national legislation in this regard.

The Sub-Committee heard from a number of interested parties who had made representations opposing the application. The comments of residents and ward councillors centred on the problems caused by the use of one of the two smoking areas. It was mentioned that the tables and chairs in that area encouraged people to remain outside to smoke and that if these were removed it may discourage people from lingering in the area and socialising. There was concern that, by allowing an extension until 02.00, the disturbance in this area would continue until much later. The Licensing and Enforcement Manager outlined the situation with regard to the application for and granting of Temporary Event Notices. It was noted that even if the application were not granted as applied for, the Club could still use Temporary Event Notices as a way of extending its hours and these could not be opposed by residents. Ms Skinner expressed her concern at the blanket approach which had been taken to the extension of hours and expressed her view that the Club should only have applied for what it actually needed. Residents expressed the view that the disturbance they experienced at the moment was bearable but they did not want to experience the same problems at 02.00. Mr Laws addressed the Sub-Committee in support of the application. Mr Laws stated that he lived in the vicinity of the premises but was not disturbed by the activities that took place there. He wished to see a peaceful co-existence between residents and the Club to ensure its long term survival as he would not wish it to be replaced by high density housing.

The Decision

RESOLVED that the application be granted as follows –

- The supply of alcohol on the premises for the following hours-
 - Mondays to Sundays 12.00 to 00.00
 - Non Standard Times –Christmas Day 12.00 to 16.00;
 - From 10.00 New Year’s Eve until 00.00 New Year’s Day;
 - Bank Holiday Weekends (Fridays, Saturdays and Sundays)
12.00 to 01.30

- Provision of indoor sporting events as follows-
 - Sunday to Thursday 12.00 to 23.30
 - Friday and Saturday 12.00 to 00.00

- Provision of live music as follows-

Mondays to Thursdays 19.00 to 23.00
Fridays 19.00 to 00.00
Saturdays 12.00 to 00.00
Sundays 12.00 to 23.00

- Provision of facilities for dancing as follows-
Monday to Friday 19.00 to 00.00
Saturday and Sunday 12.00 to 00.00

- Provision of recorded music as follows-
Monday to Sunday 12.00 to 00.00

- Premises to be open as follows-
Mondays to Sundays 12.00 to 00.30

Non Standard Times –Christmas Day 12.00 to 16.30,
From 10.00 New Year’s Eve until 00.00 New Year’s Day,
Bank Holiday Weekends (Fridays, Saturdays and Sundays) 12.00 to 02.00

Conditions

The Committee considered it was necessary and proportionate to impose the following conditions in order to promote the licensing objective of the prevention of public nuisance-

1. Customers must wait inside the building for taxis after 23.00.
2. No tables and chairs permitted in the Smoking Areas.
3. No drinks to be taken outside the building.
4. No more than 5 people in each Smoking Area at any one time.
5. Professional guidance must be sought on measures to be taken and implemented to reduce noise emanating from the Smoking Areas.
6. The Management Committee to take effective action to monitor compliance with the conditions 1-5 above.

The licence was also granted subject to the conditions set out below-

Conditions agreed with Environmental Control:

1. The external areas must not be used by customers after the hours of 24.00, except for smoking. No glasses to be taken outside after 24.00.
2. All external doors/windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place.

Note to applicant - mechanical ventilation or air conditioning may be required in warm weather.

3. A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device shall

be connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. Once set such a device should be inaccessible to the licensee or staff.

Note to applicant: The use of noise limiters does not necessarily solve or prevent noise nuisance. To be wholly effective they must be used in conjunction with other measures and structural attenuation, and need regular calibration / checking by the owner or operator. Maintenance records must be kept for 12 months.

4. Prominent and clear notices will be displayed at all exits (and external areas) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Condition 1 agreed with Interested Parties:

1. Recorded music to be reduced in sound level so that it is inaudible outside of the building after 00.00

Mandatory Conditions

The relevant mandatory conditions would be applied to the licence as required by the Licensing Act 2003.

Reasons for the Determination

The Sub-Committee gave careful consideration to all the representations and evidence and was satisfied that the Club was well managed and gave consideration to the relevant representations in support of the application. It noted that the applicant had agreed to a range of additional conditions and had proactively sought to address residents' concerns.

The Sub-Committee considered that the case made by the local residents opposing the application and by ward councillors was not proved sufficiently to justify refusing the application. However, the Sub-Committee being familiar with the area and the relationship of the premises to residential properties considered that the imposition of further conditions to promote the licensing objective of preventing public nuisance was necessary and proportionate in the light of the concerns raised by residents.

The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives and the Sub-Committee was satisfied that the most appropriate way forward was to grant the application with reduced hours and subject to the operating schedule; the relevant mandatory conditions in the Licensing Act 2003; and all the conditions agreed between the applicant and the responsible authorities and interested parties.

5. Close of Meeting

The meeting closed at 13.40.