

LICENSING SUB-COMMITTEE

11 March 2010

Attendance:

Councillors:

Izard (Chairman) (P)

Berry (P)

Thynne (P)

Officers in Attendance:

Miss C Stefanczuk (Licensing Officer)

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

1. **APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE**
(Report LR315 refers)

The Sub-Committee met to consider the applications from Mr Andrew Collier to drive a private hire vehicle and for a private hire vehicle license for his 1952 Buick Straight 8 classic car.

Present at the meeting were the applicant, Mr Collier and his wife, Mrs Linda Collier.

Miss Stefanczuk presented the applications as set out in the Report.

In summary, she explained that, subject to a pending medical examination, Mr Collier had satisfied all the criteria required for a private hire driver's licence.

The reason the applications had come to the Sub-Committee related to the private hire vehicle application and the plate exemption; as there was no written policy permitting officers to endorse plate exemptions which the officers and applicant considered appropriate in this case.

Paragraph 2(a) of the Council's private hire vehicle conditions required private hire vehicles to clearly display an identification plate to the outside of the offside rear of rear of the vehicle. Miss Stefanczuk displayed to the Sub-Committee examples of the Council's identification plates, which as a consequence of their purpose, were large and bold in their design. She considered that attaching such a notice, in this particular case, would be highly detrimental to the aesthetics of the classic Buick and damage the bodywork of the vehicle. Miss Stefanczuk explained that this was not usually a problem for most taxis, because having regard to their average residual value at the end of their working life, such damage would be immaterial in terms of affecting the value of the vehicle. By contrast, the Buick would do far fewer miles than most

licensed vehicles and its value was likely to, at the least, remain constant and significant.

As an alternative to the exterior identification plate, Miss Stefanczuk proposed that the vehicle carry credit-card sized identification to be displayed in the windscreen, when the car was operating as a private hire vehicle.

To gain a greater understanding of the issues, the Sub-Committee adjourned for ten minutes, whilst Members and the officers viewed the Buick in the Guildhall Yard. The Sub-Committee noted the car to be an excellent example of 1950s American design and that, having recently been re-sprayed, appeared to be in excellent condition.

When the Sub-Committee reconvened, Members noted that, subject to the usual MOT and mechanical inspection, officers had raised no objection to the Buick being granted a licence for private vehicle hire.

Mr Collier spoke in support of his applications. In summary, he explained that, as a classic car enthusiast, he regarded the hire of the vehicle as primarily an opportunity to financially assist with its maintenance. He anticipated that the car would be hired weeks in advance for events such as weddings, school proms, birthdays and by other car enthusiasts. He considered that the Council licence would help assure potential customers of their integrity and the roadworthiness of the vehicle, and he thanked Miss Stefanczuk for her assistance with the application.

During debate, Members noted that, due to its age, the car was not legally required to provide rear seat belts and Mr Collier explained that the absence of these would be made very clear to potential customers. However, he underlined the type of hire the car would attract, which would mean that it would be driven slowly to enable the passengers to be seen by passers-by. Mr Collier also explained that the vehicle weighed 2.5 tons and was therefore likely to survive most accidents well.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee agreed to grant the licences, as set out in the Report, as they considered it inappropriate for the classic car to carry the external identification plate and should instead be identified by a small card to be displayed in the windscreen whilst operating as a private hire vehicle.

RESOLVED:

That the vehicle be exempt from the requirement to affix a private hire licence plate to the outside of the vehicle.

2. **PREMISES LICENCE KNOWLE COMMUNITY CENTRE**
[\(Report LR314 refers\)](#)

The Sub-Committee met to consider an application for a premises licence for Knowle Village Hall, Knowle.

Present at the meeting was Mr Andrew Snow (on behalf of the applicant, Knowle Community Buildings Association).

Mr Myall presented the application as set out in the Report. In summary, he explained that the application sought to provide licensable activities on a maximum of six occasions per year, at the former chapel at Knowle, which was currently being used as the village hall.

The application had received representations from four interested parties (neighbours) which had raised concerns regarding noise and nuisance, its proximity to residential dwellings and parking. Mr Myall reminded the Sub-Committee that parking issues off the grounds of the premises was not a licensing objective and therefore not a matter that the Sub-Committee should consider. Mr Myall added that, after responding to these representations with further details about the application, one had withdrawn their objection and another had written to reassert their objection.

Mr Myall explained that there had been previous events held at the hall. Some of these had been private parties with no licensable activities and others, with licensable activities, had been held under a temporary event notices. In response to a Member's question, Mr Myall stated that none of these had generated a complaint to the Council.

The application for the premises licence gave the Council an opportunity to place conditions on the licensable events held at the hall and that these conditions could not be included with a temporary events notice. Mr Myall explained that the Head of Environment had advised that the purpose of these conditions was to counter the possibility of public nuisance of events. They required the applicant (amongst other things) to close all doors and windows during entertainment and to install and operate a noise limiter.

In response to Members' questions, Mr Myall explained that it would be the applicant's responsibility to appoint someone to comply with the conditions during a licensable event. Failure to comply with conditions was a criminal offence, which could result in prosecution and possibly revocation of the premises licence.

Mr Snow addressed the Sub-Committee in support of the application. In summary, he stated that he was currently Chairman of the Knowle Community Buildings Association which held regular meetings attended by City Councillors. He explained that the former chapel had been provided to the community as a community facility by the developer of the Knowle Hospital site, Berkley Homes. Mr Snow acknowledged that the former chapel was not an ideal community hall and restrictions arising from its listed status had led the Association to seek a new facility at the edge of the village, which he anticipated would become available in a year's time. In the meantime, the

Association sought a premises license to regularise events that hirers held at the hall.

Mr Snow commented on the low number of objections to the scheme in comparison to the 3,500 residents of Knowle that benefited from a community facility.

In response to Members' questions, Mr Snow explained that the proposed conditions required all windows and doors to be shut during entertainment to contain noise. He explained that this would be adhered to even in the summer and that the windows, which did not open far in any case, were high level and required poles (kept by the management) to open. Listed Building constraints prohibited further sound insulation of the building, but there was a double-glazed entrance beyond the large oak doors at the front.

Mr Myall added that when the hall was hired for non-licensable activities, he would suggest that the Association continue to adhere to the proposed conditions as part of their conditions of hire.

Mr Snow also stated that it was in the Association's own interests to clear the hall as soon as possible after the operating hours set out in the Report. He added that the capacity of the hall had been set by the Fire and Rescue Service at 250 people.

Mr Snow explained that the Association had installed a noise limiter, at a cost of £1,600, and required all hirers to sign an agreement that they would operate the limiter during their events. The limiter was designed to automatically cut power to amplifiers etc if they exceeded a set level of noise.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee noted the limitations of the existing building and the plans to relocate to a purpose built facility; and the applicant's ability to continue to apply for temporary event notices (which offered no conditions). The Sub-Committee therefore agreed to grant the licence as set out in the Report (subject the amendments below in italics) as these conditions ensured the best way to further the licensing objectives and better address the concerns of the interested parties (the neighbours).

RESOLVED:

That the application be granted, subject to the following conditions:

Mandatory Conditions

1. Every supply of alcohol under the premises licence must be authorised by the management committee.
2. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
3. No film shall be exhibited unless it has received a U, PG, 12, 15 or 18 certificate from the British Board of Film Classification, or it is a current newsreel which has not been submitted to the British Board of Film Classification. The admission of children shall be restricted in accordance with the recommendations of the British Board of Film Classification.

Operating Hours

1. The hours the premises may be used for regulated entertainment shall be:

Plays

Monday to Sunday 1200 to 2200 each day

Films

Monday to Sunday 1100 to 2230 each day

Indoor Sporting Events

Monday to Sunday 1000 to 2300 each day

Live Music

Recorded Music

Monday to Sunday 1000 to 2300 each day

Christmas Eve 1000 to 0100

New Years Eve 1000 to 0100

Performances of Dance

Monday to Sunday 1000 to 2330 each day

Christmas Eve 1000 to 0100

New Years Eve 1000 to 0100

Provision of facilities for making music

Monday to Sunday 1000 to 2200 each day

Provision of facilities for dancing

Monday to Sunday 1000 to 2330 each day

Christmas Eve 1000 to 0100

New Years Eve 1000 to 0100

Supply of Alcohol (consumption on premises only)

Monday to Sunday	1200 to 2300 each day
Christmas Eve	1200 to 0100
New Years Eve	1200 to 0100

All Licensing Objectives

There shall be no more than six events per calendar year. The licence holder shall notify the licensing authority in writing of such events no less than 14 days in advance of the event **and to name the person responsible for that particular event to ensure compliance with the Conditions laid down.**

Crime and Disorder

1. None

Public Safety

1. None

Public Nuisance

1. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.
2. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. A noise limiter shall be installed, calibrated and maintained to the satisfaction of the Head of Environment to control all amplified entertainment. ***It is imperative that this is operated, controlled and monitored by the responsible person for the event.***
4. All events shall be restricted to the inside of the premises.

Protection of Children

1. No child shall be permitted at an event on the premises unless accompanied by an adult.

The meeting commenced at 10.10am, adjourned at 10.15am, reconvened at 10.25am and concluded at 12.00pm.

Chairman