

LICENSING SUB-COMMITTEE**15 July 2010****Attendance:**

Councillors:

Mather (Chairman) (P)

Prowse (P)

Read (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mr H Bone (Head of Legal Services)

Ms Hayes-Arter (Environmental Health Officer)

1. **EASTON VILLAGE HALL AND RECREATION GROUND, CHAPEL LANE, EASTON, WINCHESTER**
[\(Report LR329 refers\)](#)

The Sub-Committee met to consider the premises licence for Easton Village Hall and Recreation Ground. The Chairman welcomed to the meeting Mr Hall (applicant's representative), Mrs North (in support of the application), Mr and Mrs Beardow (interested parties), Mr Drake (Mr and Mrs Beardow's legal representative), and Mrs Corbett and Mr Coleman as interested parties.

Mr Myall presented the application as set out in the Report.

In summary, he explained that the new village hall replaced the previous hall which had been demolished last year. The old hall held a premises licence for entertainment only and Easton and Martyr Worthy Cricket Club (who used the adjacent recreation ground in addition to old hall) held a club premises licences for entertainment and the supply of alcohol after matches.

The purpose of the application was to enable the management committee of the new hall to provide licensable activities of regulated entertainment and the sale of alcohol for consumption on the premises. Regulated entertainment consisted of plays, films, live and recorded music, performances of dance and facilities for making music and dancing. If granted, the application would also enable the cricket club to continue the facility of their club premises licence.

The proposed Designated Premises Supervisor was Ms Karen Wells (who was also the Designated Premises Supervisor of the nearby Chestnut Horse public house) and no objections had been received to this proposal.

As a responsible authority under the Licensing Act, the Head of Environment had recommended certain conditions (related to public nuisance) and, as

these were subsequently agreed by the applicant, the Head of Environment's representation had been withdrawn.

Mr Myall also explained that five interested parties had made representations against the application, as set out in the Report. One party had withdrawn their representation and another withdrew after considering the agreed conditions.

Furthermore, the Sub-Committee noted the submissions from interested parties, which had been received after the publication of the Report. These were; a submission from Mr and Mrs Beardow (a series of photographs of the site and how the application affected their amenity); a rebuttal from the applicant to Mr and Mrs Beardow's submission; and a further submission from Mr and Mrs Beardow, which comprised a newspaper cutting regarding the new hall.

In response to Members' questions, Mr Myall explained that the granting of a premises licence did provide local authorities (and therefore residents) with greater control over events through conditions, but that even if no premises licence was in force, the applicant could still hold up to 12 events a year via the Temporary Events Notice procedure.

Mr Hall spoke as a Chairman of the Easton Village Hall and Recreation Ground Trustees. He explained that the hall was run by volunteers who were elected by the villagers on an annual basis. The development of the new hall had been conducted with the co-operation and support of the local community and that the Trustees had raised sufficient funds to finance the project without having to borrow money.

In response to the representations from interested parties against the application Mr Hall stated that (in summary):

- In 40 years of operation, to his knowledge no complaint had ever been lodged with the Licensing Team regarding the operation of the old hall and that, if any complaints were received by the Trustees, they were taken seriously as the Trustees were also members of the Easton village community.
- The new hall was not significantly larger than the previous building, with the same maximum capacity of 100 persons, and the footprint was approximately the same size as the building it replaced. Furthermore, the new hall did not include a bar area. The car park was in the same position as before, the main entrance faced the cricket pitch (away from neighbours) and there was no regular access through the rear, fire doors.
- The earth banking around the hall had abutted the previous building's changing rooms, showers, toilets and clubroom, not the main hall. As part of the development of the new hall, the bank would be maintained and planted.

- The financial security of the hall was such that the Trustees did not intend to operate a commercial social club from the premises, nor increase the number of regulated events held.

Mrs North then spoke in support of the application. She explained that, as a near neighbour of the hall for all of her life, she had not been disturbed by activities in the hall.

In response to Members' questions, Mr Hall clarified the access arrangements and explained that the poor condition of the old hall had, in all likelihood, had a detrimental effect on the number of private bookings. However, bookings were taken by the hall's secretary, which were reviewed every month by the Trustees. All private hirers were subject to the Trustees' Terms and Conditions of Hire.

In response to a question from Mr Drake (representative of Mr and Mrs Beardow, interested parties), Mr Hall explained that a private birthday party had been held in the new hall on 26 June 2010. This had included a live band (which had also practiced in the hall the day before). Mr and Mrs Beardow had stated that the music had only stopped at midnight (whereas Mr Hall stated that it finished at 11.20pm) and that the doors and windows had been kept open during the party, contrary to advice from Environmental Health. However, Mr Hall stated that he had personally closed the doors and windows, but due to the heat, many people had taken to standing outside.

Mr Beardow addressed the Committee as the occupiers of Mulberry, a dwelling directly opposite the hall on Chapel Lane. In summary, he reiterated the disturbance which had been caused by the party held on 26 June and that he had had to shut all his windows to keep the noise out. To minimise the impact on local residents he requested that the hall be equipped with a noise limiter and that no outside drinking be permitted after 2100 hours.

Mrs Beardow added that the new hall was likely to attract more private hires and that this could affect residents' right to peace and quiet. She added that in her view, the planning amendment (which had permitted the additional rear doors) was not a minor change, as these had the potential allow more noise to directly affect neighbours.

Mrs Corbett also spoke as an interested party against the application (as the occupier of Elmbank). She explained that her property was immediately adjacent to the new hall; that she had suffered as a result of the noise from the 26 June party and was concerned about future noise. In response to Mrs Corbett's concerns about whom to contact with a noise complaint during an event, the Sub-Committee noted that the Trustee's telephone numbers could be made available. However, Mr Myall stated that it was more practical for residents to contact the person responsible for the hire at the premises. Mr Hall added that the Trustees intended to plant hedges along their boundary with Mrs Corbett's property.

Mr Coleman addressed the Sub-Committee as an interested party (as the occupier of South Cottage). In summary, he spoke against the hours

requested by the applicant, the effect of the rear doors on the egress of sound and the effect of busy events at the hall on the narrow Chapel Road.

In response to Members' questions arising from the neighbours' concerns, Ms Hayes-Arter explained that any noise limiter should be installed by a qualified electrician, but that she was unaware as to whether this device could be linked to cut off the sound in the event of the rear doors being opened.

Finally, Mr Drake addressed the Sub-Committee as the legal representative of Mr and Mrs Beardow. In summary, he stated that the proposed licensable hours permitted no time to clear the premises and that there should be controls placed on the external use. He stated that the premises were not acoustically sealed and that the applicant had sought no advice on this issue from Environmental Health during construction. He added that it was possible for the Sub-Committee to be proactive and place conditions minimising premises' affect on residents, regardless of whether there had been a history of complaints. Mr Drake also questioned the right of the wider community of Easton to disturb the peace of the hall's immediate neighbours and that it was probable that the old hall did not generate any complaints because it had been rarely hired.

The Sub-Committee retired in camera to consider the application.

In her 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 licence and was satisfied that the conditions, set out in Section 5 of the Report, were necessary and should be attached to the licence to further the licensing objectives.

In addition to these conditions, the Sub Committee took into account the close proximity of neighbouring properties to the hall and therefore required an additional condition to control amplified noise after 2100 hours (in relation to the public nuisance licensing objective) as set out below:

“The premises shall not be used after 21.00 on any day for the performance of live or recorded music unless a noise limiting device has been installed and calibrated to the satisfaction of the City Council's Head of Environmental Protection. Such limiter shall be in operation for all events taking place after 21.00, and shall be linked to the external emergency doors of the main hall such that the device will be activated to cut the music in the event of such doors being opened.”

The Chairman also explained that the parties had 21 days in which to appeal to the Magistrates Court.

RESOLVED:

That the premises licence be granted, subject to the following conditions:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions are imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
4. 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.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Operating Hours

1. The hours the premises may be used for licensable activities shall be:
 - (i) Plays, films, performances of dance, facilities for making music and dancing, sale of alcohol for consumption on the premises:-
Monday to Sunday 0830 to 2300 each day. **Indoors** only.
 - (ii) Live and recorded music:-
Monday to Sunday 1000 to 2300 each day. **Indoors** only.
 - (iii) On six occasions per year, each activity may be extended to 0000 on Fridays or Saturdays, provided that the Licensing Authority is notified at least 14 days in advance of each event. Indoors only.

(iv) Live and recorded music may take place outdoors between 1000 and 2100, on six occasions per year, provided that the Licensing Authority is notified at least 14 days in advance of each event.

Conditions

Crime and Disorder

None

Public Safety

None

Public Nuisance

1. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
2. Prominent, clear notices shall be displayed at all exits requesting people to respect the needs of the local residents and leave the premises and area quietly.
3. All events at the premises shall be supervised by a responsible person who shall be available to deal with any complaints of public nuisance.

Protection of Children

1. Children under the age of 16 years shall only be permitted on the premises whilst supervised by a responsible adult.
2. The licence holder shall adopt and implement a proof of age scheme. (This will become a mandatory condition on 1 October 2010)

In addition, the Sub Committee imposed the following condition:-

The premises shall not be used after 21.00 on any day for the performance of live or recorded music unless a noise limiting device has been installed and calibrated to the satisfaction of the City Council's Head of Environmental Protection. Such limiter shall be in operation for all events taking place after 21.00, and shall be linked to the external emergency doors of the main hall such that the device will be activated to cut the music in the event of such doors being opened.

The meeting commenced at 10.00am concluded at 12.20pm.

Chairman