

**LICENSING SUB-COMMITTEE****17 March 2008****Attendance:**

Councillors:

Mather (Chairman) (P)

Izard (P)

Read (P)

**Officers in Attendance:**

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

Mrs A Toms (Environmental Health Officer)

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**1. QUOB STABLES EQUESTRIAN CENTRE, CHURCHCROFT FARM, DURLEY**  
(Report LR273 refers)

The Sub-Committee met to consider an application by Ms Beth Davies for a new premises licence under Section 17 of the Licensing Act 2003 for the Quob Stables Equestrian Centre. The application was for the provision of regulated entertainment consisting of indoor sporting events, live music, recorded music, provision of facilities for dancing and the supply of alcohol.

Present at the meeting were Ms Beth Davies (Applicant) and Ms Maria Hampton (employee and Designated Premises Supervisor). The following Interested Parties were present and made representation at the meeting: Mr C Forrest, Mrs Boella, Mrs Carter, Mr Owen, Mrs A Compton and Councillor F Holtum, Durley Parish Council. 20 members of the public also came to observe the meeting.

Mr Myall presented the application as set out in the Report. He explained that since the report had been published, the hours had been amended, with an end time of 2300 hours for all activities, rather than midnight. An agreement had been reached over the number of times the licence could be used for live and/or recorded music, which would be restricted to 10 per year.

Mr Myall continued that a representation had been received from the Head of Environment concerning issues over noise nuisance and that 36 representations from Interested Parties had also been received, which included issues such as noise nuisance, the sale of alcohol and associated problems. He continued that there were no recorded incidents which could be attributed to the premises on the 101 system or the Police recoding system. Additional conditions were agreed with the Head of Environment and the Head of Safety Standards (Trading Standards) relating to the licensing objectives of Public Nuisance and the Protection of Children.

Responding to questions from the Sub-Committee, Mr Myall confirmed that, in addition to the 10 permitted events, the applicant would also be able to apply for up to 12 Temporary Event Notices (TEN) in any one calendar year. These additional events would not be covered by any conditions and would therefore not be enforceable by any authority except the Police.

Ms Davis spoke in support of the application. She began by explaining that she only wanted to run occasional events at the premises, such as a charity event and some quiz nights. The application was being made in order to avoid the need of applying for a TEN for every individual event. There had not been any problems with past events and the Police had never been in attendance. She confirmed that she had no intention of using the additional TENs that she was entitled to.

Mrs Toms then spoke on the application. She reported that the premises was located in a primarily residential area and that a representation had been made by the Head of Environment, as there would be no sound attenuation from any music being played outside. The arena was also not a structure that could prevent significant noise breakout and she would not want that area being used on a regular basis for regulated entertainment.

Following the representation, Mrs Toms stated that she had been in contact with the applicant and a number of additional conditions had been agreed, which included limiting the amount of events held in the outside areas. The hours had also been reduced and it had been agreed that sound monitoring at the boundary to the premises would take place during events, to ensure minimal disruption to residents. Mrs Toms reminded the Sub-Committee that, should residents feel that there was insufficient monitoring taking place, that they could complain to the Council and Environmental Health officers could carry out their own noise monitoring.

Mr Forrest then spoke, representing himself and other residents who had made representations, opposing the application. He stated that it was clear from the number of representations made that there was strong opposition to the application and that inconvenience was experienced by all local residents every time an event was held at the premises. There were disturbances from music, light pollution and drink-related shouting, in addition to vandalism of property and broken bottles in the street and residents front gardens. Mr Forrest explained that the village was small and unlit, meaning that it was not suitable for the potential large-scale events residents felt could be held at the premises should the licence be granted.

Mrs Boella also spoke against the application, stating that during larger events it was impossible to leave the house, due to the traffic volumes. She added to Mr Forrest's concerns over noise nuisance, stating that there had been vibrations from a fireworks display that had kept her awake at night and that, during the summer months, she had to keep her windows closed due to the noise levels emanating from the premises.

Other Interested Parties, as listed above, then spoke opposing the application and added the following points:

- the arena area was capable of holding up to 2,000 people and could therefore be used to hold larger concerts.
- should alcohol sales be allowed, there were concerns that it could be sold during the day, meaning that children attending the adjoining primary school would be able to see people drinking.
- large floodlights were left on overnight, shining into people's houses and keeping them awake.

Ms Davis summarised, in response to the representations, by stating that she had not been aware that lighting from her premises had been affecting people's sleep and that she was willing to discuss this matter with the residents affected. She continued that the fireworks mentioned above had not been from her premises and that, as a result,

one of her horses had been injured. Ms Davies reiterated that she only intended to hold a few events per year and that there were other licensed premises in the village which might be the cause of the anti-social behaviour referred to above.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made by Interested Parties. 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.

**RESOLVED:**

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

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.

Additional Conditions

Operating Hours

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

Indoor sporting events, live music, recorded music, facilities for dancing.

(i) Monday to Sunday 0800 to 2300

2. The hours the premises may be used for the sale of alcohol shall be:

(i) Monday to Sunday 1100 to 2300

All Licensing Objectives

**Crime and Disorder**

A fully functioning CCTV system with recording facilities shall be installed and maintained in working order. Recording shall be retained for a period of 30 days and made available to Police upon request.

## Public Safety

None

## Public Nuisance

1. 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.

2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

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. Regulated entertainment shall be restricted to the inside of the premises.

5. No more than 10 events with live or recorded music shall be held within a 12 month period. The licence holder shall advise the Local Authority of any event at least 10 working days in advance of the event.

6. No more than two events with live or recorded music shall be held in the indoor riding arena.

7. No more than eight further events providing live or recorded music may be held in office or dining area. All windows and doors shall be kept closed except for access and egress. The interconnecting door between this area and the indoor riding school shall be kept closed at all times except in the case of emergency.

## Protection of Children

1. The premises shall adopt and implement the "Challenge 21" Scheme.

2. The licence holder shall ensure that the only acceptable proof of identification for the purchase of alcohol shall be a passport, photo driving licence or a PASS accredited photo ID.

3. The licence holder shall keep a refusals book which shall be monitored, checked and each entry signed.

4. Staff shall be trained and the licence holder shall keep records of such training and any refresher training.

**Reason for Decision:** The Sub-Committee considered that by granting the licence, it allowed the Sub-Committee to impose conditions on the applicant. This greater level of control would further the enforcement of the licensing objectives.

The meeting commenced at 2.30pm and concluded at 4.05pm.

Chairman