

LICENSING SUB-COMMITTEE**28 April 2008****Attendance:**

Councillors:

Baxter (Chairman) (P)

Izard (P)

Berry (P)

Officers in Attendance:

Ms C Stefanczuk (Assistant Licensing and Registration Officer)

Mrs C Tetstall (Property and Licensing Solicitor)

Mrs S Blazdell (Environmental Health Officer)

1. ST CROSS SYMONDIANS CRICKET CLUB

(Report LR272 refers)

The Sub-Committee met to consider an application for a new premises licence under Section 17 of the Licensing Act 2003 for the St Cross Symondians Cricket Club. The application was for the provision of regulated entertainment consisting of plays, live music, recorded music and provision of facilities for making music and dancing and the supply of alcohol.

Present at the meeting were Mr Taylor (Applicant and Designated Premises Supervisor) and the following Interested Parties who made representations: Professor Johns, Mr Rumble, Lieutenant Colonel Freeman (also representing Mr and Mrs Ford), Mr Stanbridge, Mr Baskwell, Mrs Oliver and Mr Dwyer.

Ms Stefanczuk presented the application as set out in the Report. During discussion, she underlined the relative advantage to local residents of Premises Licences in comparison with Temporary Event Notices, as the former offered more control to the Council, Responsible Authorities and Interested Parties, and were therefore more likely to reduce nuisance to local residents. Without a Premises Licence, she suggested that it was more likely that Temporary Event Notices would be received for the site. Under the terms of the 2003 Licensing Act, each site could be permitted up to 12 Temporary Event Notices per year, with each event lasting up to 96 hours for up to 499 people. Temporary Event Notices could only be refused by the Police for reasons of crime and disorder and the Council could not impose any Conditions to mitigate the effect of events on residents.

Mr Taylor spoke in support of the application and outlined the history of the Club and site. Cricket had been played on the grounds since 1875 and the St Cross Symondians Cricket Club was in the process of taking over a 21 year lease from the Royal Green Jackets Club, which had leased the land from its owners, the St Cross Hospital. However, the terms of the new lease included a 350% rent increase (from £10,000 to £35,000 per year), which Mr Taylor explained the Club would struggle to achieve. Therefore, they had submitted the application to secure its finances through hiring out the facility for wedding receptions or similar, holding fund raising activities and to provide an opportunity for members and visiting teams to socialise after events.

Mr Taylor also commented that the Club was one of the largest of its type in the County, yet it received no revenue grant from outside bodies nor the local authority. Mr Taylor also confirmed that the pavilion was 250 yards from the nearest residential property.

Concerns had been raised in the Report regarding the protection of children and underage drinking and Mr Taylor explained that the ages of all the Club's 150 junior members were known to bar staff. Furthermore, Members noted the applicant's acceptance of the Challenge 21 Scheme.

In response to Councillors' questions, Mr Taylor explained that although the application had sought a licence for recorded music until 2400, it was unlikely that events would be held that late, as the terms of the lease required the site to be cleared by 2300. He also confirmed that it was not practical for the Club to increase its subscription fees and that the small size of the pavilion meant that most events had to be held outside. With regard to external bookings of the site, he explained that volunteers of the Club would attend at the end of events, to clear the site and lock the pavilion.

During discussion, Members also questioned the security of the site and, in noting its vulnerability, Mr Taylor explained that alcohol would be stored in a secure box at the upper pavilion during out of hours. Furthermore, the Club intended to place a notice to this effect on the exterior of the lower pavilion, in an attempt to deter would-be intruders.

Mrs Blazdell addressed the Sub-Committee as the only Responsible Authority that had commented on the application. In summary, she explained the events held in marquees were those which were most likely to cause nuisance to neighbours. Therefore, following her advice, the applicant had agreed to limit the number of events providing regulated entertainment in marquees to six per year. Mrs Blazdell also suggested that the Sub-Committee might wish to consider whether all music events should finish at the same time and whether a representative of the Club should be available during any external hire of the site.

The Sub-Committee then heard from seven Interested Parties (as listed above) who spoke in opposition to the application. In summary, they raised concerns regarding;

- The applicant's lack of consultation with local residents and the inadequacy of the application notices;
- Previous vandalism of the pavilion;
- Noise from loud music;
- A request for a possible limit on the number of guests and members that can use the facility at any one time;
- That all music should finish at 2300;
- That the licence should be issued for a limited period only, so that its effects on residents could be properly assessed;
- That, given its number of young members, the Club was likely to encounter problems regarding underage drinking;
- Previous, external hires of the site had been poorly managed and caused disturbance to local residents;
- That the applicant should provide local residents with a contact number in the event of any problems during future external hires of the site;
- That the details of the application had become confused and were unclear to residents;
- That the applicant had not justified to residents the business case for the application.

However, some of the interested parties that spoke welcomed the Condition which limited the number of marquee events to six a year, although one commented that these were likely to be concentrated during the summer months of the cricket season.

In response to the above comments, the Sub-Committee noted that the applicant had written to all residents of Grange Road; that the details of the site notices had been set by Government; and that licenses no longer expired after a set time, as under the terms of the Licensing Act 2003, any Interested Party could request a licence review, if it could be proved to consistently contravene one of the licensing objectives.

The Sub-Committee retired to deliberate in camera.

In his 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. He also explained that the Sub-Committee had amended the Conditions from those set out in the Report to further the licensing objectives regarding public nuisance.

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 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.

Additional Conditions

Operating Hours

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

Plays, live music, provision of facilities for making music and provision of facilities for dancing – Indoors and outdoors

(i) ***Monday to Sunday*** ***1800 to 2230***

Recorded music – Indoors and outdoors

(i) ***Monday to Sunday*** ***1800 to 2230***

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

(i) **Monday to Sunday** **1200 to 2230**

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

The premises licence holder shall ensure that bar staff are trained to deal in an appropriate manner with any crime and disorder issues.

Public Safety

The premises licence holder shall ensure that plastic containers are used for outside drinking.

Public Nuisance

1. No live music and/or recorded music events shall take place other than in the pavilion or a marquee and those events in the marquee are limited to no more than six occasions a calendar year.

2. All live music events both inside the pavilion and any marquee shall cease at 2230.

3. All recorded music events both inside the pavilion and any marquee shall cease at 2230.

4. When music is being played in the premises, periodically throughout the evening, noise levels must be monitored by an appointed member of staff or the licensee outside at the boundary of the premises and this person should be contactable by local residents during the event, to ensure neighbouring properties are not likely to be disturbed.

5. That the applicant append appropriate signage, advising patrons to leave the premises quietly to minimise disturbance to local residents.

6. That a member of the Club, or a responsible person, be available at the end of all events to ensure its proper conclusion.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.
6. That the applicant advise, in writing, local residents of a contact number for a Club member to enable immediate responses to any issues that may arise during events.
7. That the above letter from the applicant should also advise residents of the Council's out of hours telephone number for the Environmental Protection Team.

The meeting commenced at 9.30am and concluded at 12.00pm.

Chairman