

**LICENSING SUB-COMMITTEE****15 May 2014**Attendance:

Councillors:

Johnston (Chairman) (P)

Green (P)

Mason (P)

Officers in Attendance:

Miss C Stefanczuk (Licensing Officer)

Miss K Gosling (Licensing Officer)

Mrs C Tetstall (Property and Licensing Solicitor)

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1. **APPLICATION FOR A PREMISES LICENCE, PIZZA EXPRESS, WHITELEY SHOPPING CENTRE, WHITELEY**  
(Report LR434 refers)

The Sub-Committee noted that this application had been included on the agenda because a representation had been received from a local resident (Whiteley Town Councillor Malcolm Butler) which had raised concerns relating to the crime and disorder and the prevention of public nuisance licensing objectives. However, subsequent to the publication of the agenda, the applicant and Councillor Butler reached an agreement which resulted in Councillor Butler withdrawing his representation and therefore the premises licence could be granted under officers' delegated powers.

2. **APPLICATION FOR A PREMISES LICENCE, MEADOWSIDE RECREATION GROUND, WHITELEY WAY, WHITELEY**  
(Report LR435 refers)

The Chairman welcomed to the meeting Ms Oliver (on behalf of the applicant, Whiteley Town Council) and Mr and Mrs Rickard (local residents who had made a representation).

Miss Gosling introduced the Report which set out the details of the application.

Ms Oliver addressed the Sub-Committee on behalf of the applicant for the licence. She explained that the Town Council currently anticipated exercising the licence twice a year. One event was for a summer music festival (likely to start at noon and finish at 8pm) and the other was a fireworks display with recorded music.

In response to Members' questions, Ms Oliver clarified that the likely positioning of the stage (and therefore the direction of amplified music) was approximately 120-150 metres from residential properties in Coriander Way.

The Sub-Committee noted that the proposed conditions in the report included limiting the operating hours and number of events to a "maximum of five occasions a year". In response to Members' questions, Ms Oliver raised no objection to this being amended to "...five *days* a year" to avoid events being held over several days.

Mr Rickard then addressed the Sub-Committee and outlined his concerns regarding what he considered to be the potential for noise nuisance to local residents from events held on the recreation ground. He considered that because the recreation ground was surrounded by residential dwellings, it was an inappropriate location to hold events with loud, amplified music. He added that his property was approximately 5 metres from the application site.

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

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, the rights set out in the Human Rights Act 1998.

The Chairman reported that the Sub Committee had agreed to grant the premises licence subject to the conditions, as set out in the Report and as amended in italics below.

The Sub-Committee agreed to grant the licence because it had concluded that the application site was an area of public open space, used for recreational purposes. The Sub-Committee had also recognised that the applicant had taken reasonable steps to minimise the effect of the proposal on local residents. In reaching this decision, the Sub-Committee were mindful of the need to balance the rights of residents and the community to use public open space.

The Chairman thanked all present for attending the meeting and explained all parties' right to appeal to the Magistrates Court within 21 days from the date of the decision letter.

**RESOLVED:**

That the premises licence be granted subject to the following conditions.

1. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Operating Hours

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

Live and Recorded Music

- |      |                    |              |
|------|--------------------|--------------|
| (i)  | Monday to Saturday | 1000 to 2200 |
| (ii) | Sunday             | 1000 to 2100 |

For maximum of five ~~occasions~~ *days* a year

All Licensing Objectives

1. The Premises Licence Holder shall notify the Safety Advisory Group prior to each event and submit an initial Event Management Plan to the Licensing Authority at least 60 days in advance of each event with a final Event Management Plan to the satisfaction of the Licensing Authority at least 28 days in advance of each event.

Public Nuisance

2. Whilst music is being played as part of regulated entertainment, the Premises Licence Holder 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, *in accordance with current practice*.
3. The Premises Licence Holder shall submit a Noise Management Plan to the satisfaction of the Licensing Authority at least 28 days before the each event.

The meeting commenced at 10.00am and concluded at 10.45am.

Chairman