

**LICENSING SUB-COMMITTEE****5 March 2015****Attendance:**

Councillors:

Mather (Chairman) (P)

Green (P)

Laming (P)

**Officers in Attendance:**

Mr D Ingram (Head of Environmental Health &amp; Licensing)

Miss C Stefanczuk (Licensing Manager)

Mrs A Pyke (Licensing Officer)

Ms C Tetstall (Property and Licensing Solicitor)

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1. **APPLICATION FOR A VARIATION OF CLUB PREMISES LICENCE – TWYFORD SOCIAL CLUB, QUEEN STREET, TWYFORD, WINCHESTER**  
(Report LR443 refers)

The Chairman welcomed to the meeting Mr D Maskell (Applicant) and Mr G Potter (Chairman of Twyford Social Club), in addition to Mr and Mrs M Smith, Mrs H de Merode and Mrs T McIntyre (local residents who had made representations, as set out in Appendix 2 of the report) and outlined the procedure that would be followed for the hearing.

Mrs Pyke introduced the Report which set out the details of the application. Mr Ingram reminded the Sub-Committee that there was separate legislation in place that could address particular concerns relating to street parking and the disposal of litter, although the licence holder might wish to take measures to try to mitigate issues in this respect.

It was reported that there had been no relevant representations received from the responsible authorities.

Mr Maskell addressed the Sub-Committee as applicant for the variation of the club premises licence. He explained that the Social Club had applied for a variation to their current licence for an extension of one hour (2300-0000) for Friday and Saturday only. The main purpose was to accommodate the rock and roll evenings currently held on a fortnightly basis (Friday) with recorded music, every other month on a Saturday night to hold rock and roll evenings with a live band and the very occasional wedding reception, private function etc with recorded music.

Mr Potter, Chairman of the Twyford Social Club, stated that such events were currently being served by temporary event notices (TENs) which were time-consuming to apply for and costly to the club. The variation would also provide the additional benefit of allowing the club to promote itself by securing the rock and roll nights on a regular basis, in turn generating income to invest back into the social club. Acquiring new equipment such as an air conditioning system would contribute to reducing noise by the closing of doors and windows and would therefore help to alleviate some of the concerns expressed by nearby residents.

Mr Maskell stated that visitors to the Social Club were made aware it was a small village and that noise must be kept to a minimum. Patrons to the club, in particular those from the rock and roll evenings, were reminded about the lack of parking facilities and, as a result, travel by either taxi or by mini bus was encouraged.

In response to Members' questions regarding complaints received by local residents, Mr Maskell confirmed that there was ongoing dialogue between the social club and residents. In particular with Mrs Smith, who managed the local Neighbourhood Watch scheme, to address any concerns raised by residents and to work together to help each other in relation to parking issues.

Mr Maskell stated that without the variation to the licence to strengthen the social club's prospects as a desirable venue, the business generated from the rock and roll evenings could cease should the organisers decide to host the event elsewhere. This would mean a substantial loss in income for the club.

Mr Smith and Mrs Smith then addressed the Sub-Committee. Mr Smith outlined their concerns regarding increased noise nuisance, the threat to public safety and potential for further crime and disorder caused to local residents from events already held in the social club. Both considered that because the social club had little if any noise insulation and was surrounded by residential dwellings, it was an inappropriate location to hold events with loud, amplified music. Any variation to extend the licensed hours would exacerbate the problems already experienced. Mr Smith added that there had been an increase in cars parking, restricting vision and causing damage (i.e. broken wing mirrors) to parked vehicles as well as blocking road access for emergency vehicles. Mrs Smith reported that at late events, requests had previously been made on a number of occasions by local residents to reduce the noise permeating residents' homes from the club which had been largely ignored, particularly by non-members who had hired the club for social functions. In conclusion, Mr and Mrs Smith were of the opinion that an extension until midnight for Friday and Saturday nights, to enable the social club to potentially hold up to 100 late nights per year was unacceptable.

Miss Stefanczuk and Mrs Tetstall reminded the Sub-Committee that the application related to the premises only and that no representations had been received by the responsible authorities with reference to parking and access, noise pollution or criminal damage. Such concerns could be addressed directly with the relevant authority. Mrs Tetstall highlighted that it was

important to focus on the matters which were in the reasonable control of the licence holder.

Mrs de Merode addressed the Sub-Committee reiterating the concerns previously expressed by Mr and Mrs Smith and was of the opinion that there needed to be a balance between the club's events and the interests of the village. She raised concerns in relation to the licensing objectives: prevention of crime and disorder; public safety; and prevention of public nuisance. She made particular reference to a call she had made to the Police in May 2011 to report a noise disturbance at the social club and emergency access that was required to the road when her daughter required urgent medical attention, when the moving of parked cars by patrons of the social club was required and difficult to achieve. She advised the Sub-Committee that life had become intolerable with the playing of loud music late into the weekend evenings already adversely affecting her young children's sleep patterns. Should the extension be granted, she believed that this would only worsen the situation.

Mrs Tetstall informed the Sub-Committee that as no representation had been received from by the Police in relation to the application, they would only be able to give consideration to the variation application before them and that some of the concerns expressed would usually be addressed on a review of the premises licence, should adequate information be submitted to the Council by local residents and /or responsible authorities to warrant the calling of a hearing.

In response to comment from Mrs de Merode with reference to further objections that had been submitted by other residents, Mrs Pyke confirmed that further objections had been received. However, following requests to elaborate these concerns to enable a valid representation to be made at the hearing, further response had not been forthcoming.

Mrs McIntyre (who lived opposite the social club) addressed the Sub-Committee and reported that the other social events as well as the rock and roll evenings were also of concern with users of the social club already leaving between 2300-0000. Any extension to 0000 would mean that patrons would not be leaving until 0000-0100 in reality. With the location being within a quiet residential village, Mrs McIntyre considered that it would be unreasonable to expect local residents to endure this and the Sub-Committee should promote the licensing objective for the prevention of public nuisance.

In response, the applicant, Mr Maskell, addressed the Sub-Committee further to the concerns raised in the four representations. He stated that he did not wish for the social club to be considered a nuisance, on the contrary, he expressed a wish for the social club to become an integral part of the community. He advised that the social club was merely trying to increase its revenue, thereby allowing for improvements to be made to the facilities for all the users by updating the club with air conditioning and providing adequate external facilities for smokers which in turn would be of benefit to all nearby residents.

The Sub-Committee then 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 Chairman thanked all present for attending the meeting and explained to all parties that they would be formally notified in writing of the decision in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of the decision letter.

**RESOLVED:**

That the application be refused.

**REASONS FOR DECISION:**

(1) The Sub-Committee decided not to grant the variation application to the club premises certificate. The decision had been taken as the Sub-Committee concluded that granting the application would not be consistent with the need to promote the licensing objective of the Prevention of Public Nuisance; and

(2) The Sub-Committee considered that the applicant had not offered to put in place sufficient measures to mitigate the additional late night disturbance likely to be caused to local residents by the extra licensed hours.

The meeting commenced at 10.00am and concluded at 11.50am.

Chairman