

LICENSING SUB-COMMITTEE

Monday, 18 March 2019

Attendance:

Councillors

Mather (Chairman)

Green

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Officers in attendance:

Miss B Appletree – Licensing Officer
Mr G Wren – Senior Licensing Officer
Ms C Tetstall – Licensing Solicitor

Others in attendance who did not address the meeting:

Councillor Warwick (Portfolio Holder for Environment)

1. **NEW CLUB PREMISES CERTIFICATE - OAKWOOD PARK RECREATION GROUND, OAKWOOD AVENUE, OTTERBOURNE (LR518)**

(Report LR518 refers)

The Chairman welcomed to the meeting:

Representing the Applicant – Colden Common Football Club

- Mr Stephen Twamley
- Ms Karen Davies

Other Interested Parties:

- Mr Richard Emery (also representing the following people who had made written representations: Mr James Gilbert, Mr and Mrs Fisher, Mr and Mrs McCosker and Mr Keith Smith)

Miss Appletree introduced the Report which set out the details of the application. In summary, she explained that an application for a new club premises certificate for Oakwood Park Recreation Ground, Oakwood Avenue, Otterbourne had been made by Colden Common Football Club under Section 71 of the Licensing Act 2003. The application was to specifically licence the pavilion building on the Oakwood Park Recreation Ground site (as shown in Appendix 3 of the Report) and the purpose of the application was to provide regulated entertainment and the supply of alcohol to members and their guests only.

However, it was noted that since the initial application, the applicant had removed live music from the application and had reduced the proposed terminal hour for the supply of alcohol on Christmas Eve and New Year's Eve from 0030hrs to 2300hrs, in an effort to minimise disturbance to local residents. The application was set out in Appendix 1 to the Report.

A representation had initially been received by Hampshire Constabulary relating to the prevention of crime and disorder licensing objective but this representation had since been withdrawn after conditions were agreed with the applicant, as set out on Pages 14 and 15 of the Report. It was reported that Environmental Health had received no recent record of any noise complaints relating to this premises.

18 valid representations had been received from local residents and other members of the public, and all raised objections to the application. These representations related to the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm, as set out in Appendix 2 to the Report.

No further representations had been received from any other responsible authorities.

In response to questions, Miss Appletree clarified that, the premises had been previously licensed by Otterbourne Sports Club for the supply of alcohol and regulated entertainment since November 2006. This licence was surrendered in November 2016.

At the invitation of the Chairman, Mr Twamley, speaking on behalf of the applicant, Colden Common Football Club, addressed the Sub-Committee and outlined the background to the new club premises certificate for the provision of regulated entertainment and the supply of alcohol to members and their guests only. Mr Twamley clarified that it was not the Club's intention to use all the licensed hours that had been applied for from Monday to Saturday, as set out in the application and that on days of use, club members and their guests would usually have left by 9pm as the ground would usually be cleared by 6.30pm.

At the invitation of the Chairman, Mr Emery, one of the other interested parties who had submitted a relevant representation to the application, addressed the meeting, also speaking on behalf of a number of other residents who had submitted written representations (details set out above). A summary of his comments are outlined below.

Mr Emery queried the licensable area of the application and raised concerns regarding the consumption of alcohol outside of the premises and the disturbance this would cause to the local community. In addition, Mr Emery expressed concerns regarding the loss of public amenity of the pavilion building and specifically the recreation ground which was utilised by children and the wider community and the existing parking concerns in Oakwood Avenue and the single track entry into the premises, which could cause an accident and be further exacerbated over longer periods of time.

In response to the points raised by Mr Emery, the Sub-Committee were reminded that road safety, parking and drink driving offences were not a material consideration under the Licensing regime and were issues to be addressed with the appropriate authority.

To address the concerns raised regarding the consumption of alcohol outside of the building, Miss Appletree confirmed that the application was for the supply of alcohol for consumption on the premises only and not outside the curtilage of the pavilion building, as outlined in red on the plan in Appendix 1 and the map in Appendix 3.

In summing up, Mr Twamley stated that he had endeavoured to engage with the community and would continue to do so to allay concerns. Parking issues had been taken on board and alternative ideas to move traffic away were being investigated. In conclusion, Mr Twamley, welcomed a representative of the local community to participate on the Football Club committee meetings, particularly to address matters surrounding the licence going forwards.

The Sub-Committee retired to deliberate in private.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the Application and the representations made by interested parties, including those related to the prevention of public nuisance and the protection of children from harm. 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 noted that the applicant had agreed conditions with Hampshire Constabulary to promote the prevention of crime and disorder licensing objective and offered to comply with the Challenge 25 policy to protect children from harm.

To promote the prevention of public nuisance objective, the applicant had reduced the original opening hours applied for Christmas Eve and New Year's Eve to 2300hrs

In regard to the matters raised in relation to parking, drink driving and road safety, these matters are covered by other legislation and cannot be considered by the Licensing Sub-Committee.

The Sub-Committee concluded that the application should be granted, with the conditions agreed between the applicant and Hampshire Constabulary, set out in Pages 11 to 15 of the Report. The Chairman advised that any breach of the licence conditions could lead to a review of this licence in future years.

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

RESOLVED:

1. That the application for a new Club Premises Certificate for the provision of regulated entertainment and the supply of alcohol for consumption on the premises only to members and their guests at Oakwood Park Recreation Ground, Oakwood Avenue, Otterbourne, be granted to Colden Common Football Club, subject to the amended conditions agreed by the applicant with Hampshire Constabulary, set out in Pages 11 to 15 of the Report.

REASON

The applicant had addressed the licensing objectives and taken reasonable steps to mitigate the concerns of persons making relevant representations, including the prevention of public nuisance and protection of children from harm objectives..

The meeting commenced at 10.00 am and concluded at 11.00 am

Chairman