CHILTERN DISTRICT COUNCIL

MINUTES of the Hearing of the
LICENSING SUB COMMITTEE (CDC)
held on **17 MAY 2017**

PRESENT: Councillor J J Rush - Chairman

Councillors: P M Jones
D J Lacey
M Harrold (Reserve)

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

All parties indicated that they had no objections to the membership of the Sub Committee.

Note: Councillor M Harrold left the Hearing at 10.05am.

5 APPLICATION FOR A NEW PREMISES LICENCE RELATING TO THE CLUBHOUSE, AMERSHAM AND WYCOMBE COLLEGE, STANLEY HILL, AMERSHAM, BUCKS, HP7 9FH

Members were requested to consider an application for a new Premises Licence for The Clubhouse, Amersham and Wycombe College, Stanley Hill, Amersham, Bucks, HP7 9FH.

During the 28 day consultation period, 18 valid representations objecting to the application were received from local residents. A representation was also received from the Environmental Health Department. The Environmental Health Officer had proposed five new conditions to address the department's concerns if the application was allowed which had been agreed by the applicant prior to the Hearing.

The Licensing Sub Committee Members and Officers introduced themselves, and the Chairman asked those objectors present who wished to speak to introduce themselves. Chiltern District Councillor Caroline Jones was present as a representative (and not in her capacity as a councillor) to speak on behalf of Ms Juliet Kitchener and Mr Mark Grimson. Mrs Lucy Taylor was present to speak on behalf of Mr Steve Dann. Mr Nick Smith was present to speak for himself. The Applicant, Mr Mark McCree was also present to speak. The Chairman informed the parties present that District Councillor Caroline Jones was present to speak as a representative for some of the objectors and not in her capacity as a District Councillor. The Chairman assured the parties present

that Councillor Jones presence would not prejudice the Sub Committee's decision.

Following introductions, the Chairman explained the Council's hearing procedure.

The Licensing Officer then introduced the application, summarised his report and informed the hearing that the objectors' representations mainly related to noise and public nuisance. The Licensing officer confirmed the name of Objector number 3 in the report as Mr Steve Dann. The Licensing Officer referred to his report and concerns regarding anti-social behaviour including inconsiderate parking, but as they did not relate to the Licensing Objectives, these concerns could not be taken into account by the Sub Committee in reaching a decision. Further, a statement from the Environmental Health Department was referred to that set out why the Department had initially objected to the application and confirmed that their objection would be addressed by the imposition of the extra conditions they had proposed.

The Licensing Officer was asked a number of questions by the Sub Committee Members, and it was confirmed that there had been no objections from Thames Valley Police regarding the application. The Sub Committee enquired as to the Hockey Club's previous temporary event notices, and was advised that these related to the sale of alcohol but that the applicant would be able to give fuller details as to these notices. The Sub Committee noted that Amersham and Wycombe College had a licence for regulated entertainment but not for alcohol sales and that there had been no complaints about the College. Information was also provided by the Licensing officer in response to questions about deregulation. There were no questions asked by the applicant to the Licensing Officer at this stage.

In answer to questions from objectors regarding temporary event notices, the Licensing Officer explained the procedure regarding obtaining a temporary event notice, that temporary event notices allowed alcohol sales for a limited time period and were published on the Council's website, as well as being displayed at a premises. Further, it was noted that no complaints had been received regarding the temporary event notices. In response to a question asking how many people were permitted to attend each event, the Licensing Officer informed objectors that these notices allow for up to 499 people; however the applicant would be able to inform the hearing of the approximate number of people that had attended each event.

The objectors were then invited to address the hearing. Mr Smith advised the Sub Committee that whilst he objected to the application as the hours were unreasonable he was aware that if the application was refused there would be an appeal and the Applicant would get a licence. Mr Smith explained that he had two main concerns, namely, the potential for noise and public nuisance

caused by people leaving the premises late in the evening. Mr Smith informed the Sub Committee that he had no objections to the facilities on site for instance, the hockey matches, but objected to the licence for the abovementioned reasons and that the hours should be reduced and urged Members to consider the conditions of the licence if they were to accept the licence.

Mrs Taylor addressed the hearing on behalf of herself and her husband, Mr Steve Dann, and agreed with the points raised by Mr Smith. Mrs Taylor raised her husband's strong objections to the licence, and argued that the Hockey Club had not been a good neighbour, that there had been a lack of communication from the club owner to residents from the initial construction stage to the application stage for the new Premises Licence. Regarding public nuisance, the premises were in close proximity to their home and that there would be an increase in traffic and parking issues at weekends and evenings. Mrs Taylor referred to the Club Balcony and smoking area meant that there were lots of people outside. That there would be the potential for public nuisance in the area from parties and family functions, Mrs Taylor was concerned that residents in front facing bedrooms would be impacted negatively, as they directly faced the car park. Concerning the potential for excessive noise, Mrs Taylor informed the hearing that due to a footpath near her home leading to the town, her family, as well as the residents living nearby this footpath, could be more frequently impacted. She also informed the Sub Committee that there were multiple families in the area with young children. Further concerns of the parking problem being exacerbated and congestion were raised by Mrs Taylor. Mrs Taylor referred to Crime and Disorder mentioning wedding parties and 18th and 21st birthday parties with young people drinking and being disorderly in close proximity to her property.

District Councillor Caroline Jones spoke for Juliet Kitchener and Mark Grimson, and confirmed that the main issue was public nuisance. They concurred with Mrs Taylor in the view that there had been a lack of communication from the club to the residents. Councillor Jones informed the Sub Committee that residents already encounter disturbance by people and vehicles due to the confined nature of the area. Mrs Kitchener and Mr Grimson were concerned that parties and family functions would cause further disturbance to residents, particularly to elderly residents and young children as the club is close to educational facilities, as well as family homes. Regarding public safety and general disorder, Councillor Jones referred to existing anti-social behaviour in the community and that dog walkers using the public footpath walking past felt very vulnerable and there was a fear of general safety in the public area. Regarding the protection of children from harm, young people could potentially be influenced by alcohol and the premises were close to an educational facility as well as people's homes. Councillor Jones referred to family life as a basic human right being affected, as well as young children and

students within the college. Councillor Jones submitted that the application should be refused or granted with conditions.

The Sub Committee put several questions to the objectors on the points raised about use of the college car park and security. With regards to the current sporting facilities, the objectors informed the Hearing that the hockey pitch is used till approximately 6pm on Saturdays, 5pm on Sundays, and the floodlights are in use until 10pm on weekdays. The Sub Committee asked the objectors whether they were prepared to attend meetings and be part of a dialogue between local residents and the applicant in order to resolve any potential future problems that may arise. The objectors agreed that a dialogue would be beneficial to all parties but that monthly meetings may be difficult to attend.

The applicant was then invited to address the hearing. Mr McCree informed the Sub Committee that he had written letters and sent emails to the objectors summarising the objections received and inviting residents to come to the club to discuss any concerns they had; he made himself available for four evening sessions and provided contact details. The applicant explained that throughout the planning process for The Clubhouse, which included a kitchen and bar area, it was thought that alcohol would be sold as an extension to those facilities, and a natural part of the clubs activities following sporting games. The hearing also noted that The Clubhouse was Clubmark accredited and had a 500 junior membership. The applicant explained that The Clubhouse is a year round operation, not only providing sporting facilities, but used for family days, training, and charity events such as Hockey for Heroes (armed forces). It was heard that the club wished to hold future hockey social events, particularly for club members. It was noted that some events scheduled to be held at The Clubhouse had been moved to other venues after customers were unable purchase alcohol, which was reportedly a critical funding loss for the club. The applicant informed the Hearing that this was a fantastic facility for the community and in view of a lot of objections he would do everything possible to make this part of the community. That the club had been established in 1946 and The Clubhouse building was well insulated and had automatic closing doors, which would prevent excessive noise coming from events being held at the club. Further, that notes had been sent to the club's members regarding parking spaces encouraging them to park down the side of the college rather than in front of the college or in residential areas. Mr McCree explained about funding for the club and that he had applied for a Premises Licence for flexibility as Temporary Event Notices were expensive, and that a Club Premises certificate would be too restrictive.

Mr McCree referred to holding 18th and 21st Birthday parties and confirmed that they would not be having these types of activities in view of his previous experience and the issues that these types of events raised. Regarding children they operated Challenge 25 and that the premises were separate from the

college and they would not be offering alcohol to the college. Regarding parking there would be notices to members about parking being available at the college which was extensive. That the Clubhouse had a duty of care and took welfare very seriously.

In answer to questions from the Sub Committee, the applicant explained that for practical reasons relating to signing in of members and guests that he had applied for a Premises Licence and that CCTV would not be installed initially as it was felt that there was no need for it at the present time. However, the applicant confirmed that this could be reviewed in the future if deemed necessary. The applicant referred to capacity and urged residents to visit the facility; the maximum number of people the facility holds was reported as 114, with a maximum number of approximately 60 people when seated. The Sub Committee queried that during the planning stage, there was an indication that lunch and hot and cold soft beverages would be available, but not alcohol. The applicant apologised and informed the hearing that he had not been a part of this stage during the planning process specifically. In response to a question regarding music being played in the evening, it was heard that the doors would be closed when music was played. Members referred to 18th and 21st Birthday parties not being held at the premises and that this could be conditioned. Members asked questions about the type of music to be provided and whether there would be a decibel condition. The Licensing Officer explained that this type of condition was generally avoided because background levels varied and it raised difficulties in assessing noise nuisance. The Chairman then invited questions to the applicant from objectors. In response to a question asking whether the venue would be advertised externally (including on the website), the applicant responded that he had no intention to do so as the club already has a large market area because of its 600 members.

The Chairman then asked the Applicant if he had any questions he wanted to ask the Objectors and the applicant confirmed that he did not have any questions for objectors but encouraged them to visit the Clubhouse and to talk to him in order to mitigate any issues.

The Chairman then moved the Sub Committee to consider the "without prejudice" conditions proposed by the Licensing Officer and Environmental Health; the Licensing Officer referred to each condition individually and an error in the numbering of the conditions was noted and it was heard that the proposed conditions should be numbered 1-10. The parties present were asked if they had any comments regarding the proposed conditions. In response to comment on condition 2, the Licensing Officer explained that club staff will check the age of any person who looks under the age of 25 when conducting the sale of alcohol. With regards to condition 3, reference was made to lights being for safety purposes. With regards to condition 5, the applicant responded to a question on security by stating that at the present

time, there was no need for extra security at the venue. A question was asked as to how staff would enforce the closing of doors (condition 6) in the summer, to which the Licensing Officer replied that this was a legal requirement that the club management would need to fulfil. It was noted that the applicant agreed to the proposed conditions and that the objectors did not raise any objections thereto.

It was noticed that the application plan referred to in Appendix 2 of the report was not attached to the agenda. Therefore, at 11.27am there was a short adjournment of the Hearing while the Licensing Officer left the Hearing to retrieve hard copies of the application plan.

The Hearing recommenced at 11.33am and copies of the application plan were circulated at the Hearing.

The applicant confirmed that he would agree to a further condition being imposed that no 18th or 21st Birthday Parties would be held at the premises.

The objectors raised no objections to the proposed condition.

The Chairman then asked those present if they wished to make closing submissions. The Licensing Officer confirmed that he had nothing further to add. The objectors and representatives who had spoken at the Hearing thanked the Sub Committee for their time and requested they refuse the application. However, that if a licence was granted urged the Members to carefully consider the conditions, in particular the times of the licence, so that the potential for public nuisance was lessened and that family life was safeguarded. The applicant confirmed that he had no closing statements to add other than aiming to be a good member of the community. Following everyone present confirming to the Chairman that they had all had their say, the Chairman thanked everyone for their time and advised that they would be notified of the decision within 5 working days.

The Hearing ended at 11.37 am

RESOLVED

That the application for a new Premises Licence for The Clubhouse, Amersham and Wycombe College, Stanley Hill, Amersham, Bucks, HP7 9FH be allowed in part with immediate effect, subject to the mandatory and other conditions set out in the Schedule to the report, but re-numbered and added to by the Sub Committee, as set out in full in the Decision Notice attached to and forming part of these minutes.

LICENSING ACT 2003, AS AMENDED.

APPLICATION BY MR MARK McCREE ON BEHALF OF AMERSHAM AGP LTD FOR A NEW PREMISES LICENCE

DECISION OF THE LICENSING SUB-COMMITTEE SITTING ON 17TH MAY 2017.

The Licensing Sub-Committee had before it an application from Mr Mark McCree on behalf of Amersham AGP Ltd for a new Premises Licence for The Clubhouse, Amersham and Wycombe College, Stanley Hill, Amersham, Bucks HP7 9FH.

The details of the Premises Licence applied for are set out in the Application form appended to the Licensing Officer's report at Appendix 2 ("the Report").

Relevant representations objecting to the application received from local residents and Environmental Health were listed in the Report at paragraph 4 and a copy thereof appended to the Report. It was noted that Environmental Health had confirmed that their objection would be addressed by the additional Conditions they had proposed being attached to the Premises Licence if granted in addition to those proposed by the Applicant in the Operating Schedule.

The Sub-Committee having listened to all the evidence, submissions and responses thereto and having read all the material before it including a copy of the Application Plan (Appendix 2 of the Report) which was tabled at the Hearing following a short adjournment was satisfied on balance that in all the circumstances and for the Reasons given below that this Application should be:

ALLOWED IN PART as follows –

Standard timings –

Supply of alcohol – On the Premises –

Monday – Saturday	12:00 – 23:00
Sunday	12:00 – 22:00

Recorded Music - Indoors only –

Friday and Saturday	12:00 – 23:00
Sunday	12:00 – 22:00

Hours premises are open to the public –

Monday – Saturday	08:00 – 23:15
Sunday	08:00 – 22:00

Subject to the Mandatory Conditions, the Conditions set out in the Schedule to the Report – but re-numbered and **added to** by the Licensing Sub-Committee and an Informative as follows –

Additional Condition

No 18th Birthday or 21st Birthday functions, parties and/or events shall be held at the Licensed Premises.

Reason: The Licensing Sub-Committee noted the objections regarding public nuisance and anti-social behaviour and the submissions and assurances from the Applicant that such events would not be held at the Licensed Premises in view of past experience. Accordingly the Licensing Sub-Committee considered that restricting the Premises Licence in this way was justified and appropriate in preserving the Licensing Objectives of the "Prevention of Public Nuisance" and the "Prevention of Crime and Disorder".

Informative

The Licence Holder is advised to offer and to hold regular liaison meetings with local residents at which any concerns and/or issues can be discussed.

This decision is considered to be justified as being appropriate for the promotion of the following Licensing Objectives

・Prevention of Crime and Disorder

・Public Safety

・Prevention of Public Nuisance

• Protection of children from harm

and proportionate in consideration of representations made, the operating schedule submitted and matters heard today.

REASONS

The Licensing Sub-Committee considered carefully the Objectors' written representations and the Applicant's and the Objectors' submissions made at the Hearing.

The Objectors' representations mainly related to public nuisance in the form of noise, disturbance and antisocial behaviour including parking, crime and disorder and the protection of children from harm. It also considered the location of the Licensed Premises within the College grounds and in relation to the Objectors' premises.

The Licensing Sub-Committee noted that whilst there was support for the Hockey Club per se Public Nuisance was a particular concern to Objectors and that if was felt that nuisance and disturbance which was currently being experienced would be exacerbated if a Premises Licence was granted in view of the hours applied for. That there was a basic human right to enjoy family life which said right would be affected. Further, it was noted that the relationship between some residents and the Hockey Club was not the best and that there had been little contact between some of the residents and the Applicant and a more open dialogue was required.

There was also concern regarding the effect of alcohol on young persons and children and that the Licensed Premises was close to an educational facility as well as people's homes.

The Licensing Sub-Committee took into consideration that a number of concerns raised did not relate to the Licensing Objectives and also that the licensing law was not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals such as inconsiderate behaviour, parking and/or driving once they had left the immediate area of the Licensed Premises as provided by the April 2017 Revised Guidance (issued under section 182 Licensing Act 2003) and in particular paragraphs 2.21 and

14.13 thereof in that these are matters for the personal responsibility of individuals under the law and that they are accountable in their own right.

The Licensing Sub-Committee also took into consideration that some of the concerns raised by the Objectors were based on what might happen if the application was allowed. In considering this the Licensing Sub-Committee had regard to the April 2017 Revised Guidance (issued under section 182 Licensing Act 2003) and in particular paragraph 9.43 in that decisions should be evidence-based.

The Licensing Sub-Committee also considered very carefully the detailed submissions from the Applicant who had written letters which included his contact details to local residents and had held four meetings at the Licensed Premises for residents to come and discuss any issues they had. That in view of the number of objections he would do everything possible to continue to make the Hockey Club part of the Community. That he had applied for a Premises Licence as TENs were expensive and to provide flexibility regarding the number of events they could hold including family and charity days, who could attend and also provide much needed revenue for the Hockey Club. That the Licensed Premises was purpose built with limited capacity and had automatically closing doors which prevented noise escaping from the Licensed Premises.

It was noted that the only Responsible Authority which had raised an objection to the Application was Environmental Health relating to potential disturbance and public nuisance but that this objection would be addressed by the imposition of the proposed Conditions being attached to the Premises Licence.

Regarding the Conditions, it was noted that the Applicant agreed to all of the proposed Conditions including the additional Condition and that the Objectors had not raised any objections to these at the Hearing.

The Licensing Sub-Committee fully understood and appreciated the concerns of local residents. However these had to be balanced against national and local policy which allows the Applicant to legitimately carry on his business. It believed that the reduced hours were reasonable and that together with the Mandatory and other Conditions imposed on the Premises Licence including those relating to noise, the monitoring thereof and the need to keep log books will ensure that effective noise and complaint monitoring takes place

and that these written records will be available to the Council for investigation and compliance purposes. That these were appropriate and proportionate measures if properly implemented to adequately address the Licensing Objectives and the concerns of the Objectors and so decided to grant the application in part as stated above.

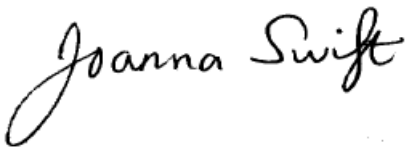
In light of concerns raised regarding contact between some of the local residents and the Hockey Club the Licensing Sub-Committee was also placing an Informative on the Premises Licence advising the Licence Holder to hold regular liaison meetings.

The Sub-Committee, whilst making this decision, also took into account the ability of the Objectors to make representations in the future which will lead, where evidence shows the premises is the cause of public nuisance, crime and disorder and harm to children, to a review of the Premises Licence where steps could be taken to address the issues. Accordingly the Objectors should be reassured that the Licensing Authority does have significant powers when dealing with a premises on review if appropriate and proportionate in all the circumstances.

The Licensing Sub-Committee also had regard to

National Guidance;
The Council's Licensing Policy;
The Human Rights Act 1998, as amended; and
The individual merits of this case

before reaching this decision.



Head of Legal and Democratic Services and
Clerk to the Licensing Sub-Committee

DATED 22nd MAY 2017
ATTENTION IS DRAWN TO THE ATTACHED RIGHTS OF APPEAL

YOUR RIGHT OF APPEAL

Licensing Act 2003, Section 181, Schedule 5

Rejection of applications relating to premises licences

1 Where a licensing authority -

(a) rejects an application for a premises licence under section 18,
(b) rejects (in whole or in part) an application to vary a premises licence under section 35,
(c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
(d) rejects an application to transfer a premises licence under section 44,
the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.

(2) The holder of the licence may appeal against any decision-

(a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
(b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

(3) Where a person who made relevant representations in relation to the application desires to contend-

(a) that the licence ought not to have been granted, or
(b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

he may appeal against the decision

Variation of licence under section 35

3 (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.

(2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.

(3) Where a person who made relevant representations in relation to the application desires to contend-

(a) that any variation made ought not to have been made, or
(b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,

he may appeal against the decision.

If you wish to appeal you must do so within 21 days beginning with the day you were notified of the decision. The postal address for the Magistrates' Courts that cover the Chiltern Area is: Milton Keynes Magistrates' Court, 301 Silbury Boulevard, Witan Gate East, Milton Keynes, Buckinghamshire MK9 2AJ