

**LICENSING PANEL
2 APRIL 2014
2.00 - 2.15 PM**



Present:

Councillors Allen (Chairman), Baily and Davison

In Attendance:

Simon Bull, Legal Adviser to the Panel

Laura Driscoll, Licensing Team Leader

Amanda Roden, Democratic Services Officer

10. Declarations of Interest

There were no declarations of interest.

11. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

12. Application for Variation of Premises Licence - Sandhurst Social Club, Wellington Road, Sandhurst. GU47 9AW

The Panel's decision was that the application for the variation of a premises licence in respect of Sandhurst Social Club, Wellington Road, Sandhurst, Berkshire. GU47 9AW shall be granted.

The basis of the decision, the evidence considered and the panel's reasons are set out below:

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Team Leader who outlined the issues;
- the applicant's written representation;
- the interested party, who submitted a written representation.

together with reference to the appropriate Licensing Objective: The Prevention of Public Nuisance, particularly noise nuisance, the Council's own Licensing Policy and the Secretary of State's guidance. It should be noted that only the Licensing Officer attended the hearing. The applicant and the objector did not attend. The written evidence of both the applicant and objector was considered carefully by the panel.

The Panel noted that none of the responsible authorities had objected.

The Panel noted that main concern of the representation by the objector was noise arising from people smoking outside the premises late at night and the continuation of

this noise, should the application for variation be granted adding an additional 30 minutes to the time which people could smoke outside the premises.

The Panel noted that the applicant had met with the Licensing Team Leader and Environmental Health to agree conditions in relation to the variation of the premises licence and to remove any duplicated conditions now covered by other legislation. Since the introduction of the Licensing Act, conditions that were applicable at that time are often now redundant because of changes in legislation and regulations and it is common for licences on a variation to tidy up the conditions so they reflect the current law and operations at the premises.

The representative had made a number of complaints regarding noise at the premises; three to four complaints a year prior to 2011, and two in 2011. All complaints about the premises received by the Licensing Team had been made by this single objector and there had been no complaint lodged since 2011 some 3 years ago. However, when the representative had complained they had declined to keep and complete diary sheets suggested by the Licensing Team documenting his specific issues with the premises and the effects of these upon him.

There had been no complaints from other residents regarding noise from this premises since July 2007. A licensing officer had visited the premises during busier times, such as Friday evening and on the weekend, and had not observed unusually loud noise from the premises.

Ms Bartlett, the Club Secretary, had confirmed prior to the hearing that she was happy for a decision to be made by the panel on the papers and her written representation as she was unable to attend the hearing in person. Ms Bartlett had confirmed to the Licensing Team Leader that CCTV had been installed at the premises, which included a view of the smoking area and which the person behind the bar could see at all times. Regular monitoring of the outside area of the premises was included in the proposed conditions, at page 39 of the agenda papers. Monitoring logs could be checked at the premises, but would usually only be checked after complaints had been received.

The Panel were of the opinion based on the evidence advanced by both the applicant and the objector that the four licensing objectives, specifically the avoidance of noise nuisance would be promoted by the granting of this licence, particularly as the proposed licensing conditions, at Annex F of the agenda papers, accepted by the applicant would promote and safeguard the licensing objectives.

The Panel were of the opinion that there were not sufficient grounds upon which to refuse the application for variation of the premises licence and the conditions proposed supported this. Any street could experience noise on an irregular basis during the year. The total number of complaints about noise were only a few in total and none had been received recently. The lateness of the terminal hour proposed of 11pm was quite modest and reasonable and granting it promoted the licensing objectives. The variation of the licence conditions were appropriate as set out above and were not considered to be an issue.

In summary, the Panel decided to agree the variation to the premises licence subject to the proposed licensing conditions, at Annex F of the agenda papers.

CHAIRMAN