
PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'C'

8 JUNE 2012

Present:- Councillors Platt (Chairman), De-Vaux Balbirnie, Fawcett.

Stand-By Member:- Councillor Pugh.

Also present:- Councillor White.

In Attendance:- Licensing Officer (AT), Solicitor, Environmental Health Officer, Democratic Services Officer (ER), Assistant Licensing Officer.

(1.30 p.m. – 2.40 p.m.)

1. MINUTES

The minutes of the meeting of the Sub-Committee held on 10 October 2011 were approved as a correct record and signed by the Chairman.

2. LICENSING ACT 2003 – APPLICATION NO. 12/00285/PREMVA APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – ST OSYTH VILLAGE HALL, CLACTON ROAD, ST OSYTH, ESSEX

The Sub-Committee had before it for their consideration an application that had been submitted by St Osyth Village Hall Management Committee for a variation of the current Premises Licence in respect of the above premises.

The Chairman welcomed all those persons present to the meeting and outlined the procedure that would be followed during the hearing.

Members were made aware of the details of the variation applied for and the steps that the applicant proposed to take to promote the Licensing Objectives, as set out in the application, and as summarised in Sections 5.0 and 6.0 respectively, of item A.1 of the Report of the Head of Public Experience.

It was reported that a representation had been received from the Department of Public Experience (Food, Health & Safety) on the grounds that the Licensing Objectives in respect of Public Nuisance had not been satisfied. However, following discussions with the Applicant, this representation had been withdrawn, subject to the following conditions being attached to the Licence (if granted):-

1. All external doors shall be kept closed, except for access and egress during the provision of regulated entertainment, being a condition relating to the prevention of public nuisance.
2. The holder of the premises licence or any other person in control of the premises shall undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary.

It was further reported that one letter and one petition of representation had been received from local residents on the grounds of public nuisance and noise nuisance.

The Sub-Committee was advised that the objectors had been invited to the meeting but had not attended.

In the light of the above it was:-

RESOLVED – That the case be heard in the absence of the said local residents but that their representations be considered in accordance with Section 20(3) of the Licensing Act 2003 (Hearings) Regulations 2005.

Mr Tidy and Mr Grey (Secretary and Treasurer respectively of St Osyth Village Hall Management Committee) spoke in support of the application and answered questions from the Sub-Committee.

The Environmental Health Officer provided Members with an overview of a recent visit to the premises and confirmed there had been no complaints received and there were no issues of concern.

RESOLVED - That the public be excluded from the meeting pursuant to Section 100A(4) of the Local Government Act 1972 during the period when the Sub-Committee will be deliberating and considering its decision on the grounds that such deliberations involve the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

Members thereupon retired to deliberate and consider their decision. The Solicitor was asked to retire with them to advise on the legal position.

Following such deliberations the public were re-admitted to the meeting. The Solicitor confirmed that she had given no specific legal advice to Members during their retirement.

It was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Platt and:-

RESOLVED – That the decision of the Sub-Committee is as follows:-

Having given careful consideration to the application and having had regard to the views expressed on behalf of the applicant, together with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy, the decision of the Sub-Committee is to grant the variation in full, subject to the following conditions (already agreed between the applicant and the Council's Department of Public Experience) being attached to the Licence:-

1. All external doors shall be kept closed, except for access and egress during the provision of regulated entertainment, being a condition relating to the prevention of public nuisance.
2. The holder of the premises licence or any other person in control of the premises shall undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary.

The decision will be confirmed in writing to all parties and they will also be informed that they have a right of appeal to the Magistrates' Court within a period of 21 days beginning with the date the applicant is notified of the decision by notice.

Chairman