
**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON THURSDAY, 24TH MAY, 2018 AT 1.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

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| Present: | Councillors Cossens, V E Guglielmi, J Henderson and Watson (Standby Member) |
| Also Present: | Councillors Broderick, P B Honeywood, S A Honeywood, King and Winfield |
| In Attendance: | Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Ian Ford (Committee Services Manager) and Steve Mahoney (Licensing Assistant) |

1. CHAIRMAN FOR THE MEETING

It was moved by Councillor V E Guglielmi, seconded by Councillor J Henderson and:-

RESOLVED - that Councillor Cossens be elected Chairman for the meeting.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

3. MINUTES

The minutes of the following meetings were approved as correct records and signed by the Chairman:-

- (1) last meeting of the Premises/Personal Licences Sub-Committee 'A' held on 14 August 2017; and
- (2) last meeting of the Premises/Personal Licences Sub-Committee 'B' held on 20 November 2017.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - LICENSING ACT 2003 - APPLICATION NO: 18/00213/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - HOLLAND FOOTBALL CLUB - THE CLUB HOUSE, DULWICH ROAD, HOLLAND-ON-SEA

The Chairman (Councillor Cossens) welcomed everyone to the meeting, made introductory remarks and stated that he wished to give an equal amount of time to both the applicants and the objectors to make their cases. He proposed 30 minutes for each side.

There was then short period of time where the list of objectors who wished to speak was compiled and it was also agreed by the Chairman that Councillor S A Honeywood, a local Ward Member would speak on behalf of all Tendring District Councillors who were present in the public gallery.

The Council's Licensing Manager (Karen Townshend) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in item A.1 of the Report of the Corporate Director (Operational Services), an application for the Grant of a Premises Licence at Holland Football Club, The Clubhouse, Dulwich Road, Holland-on-Sea.

Section 2.2 of the written report set out the original proposed opening hours for the premises which were:-

Mondays to Thursdays – 1000 to 0030 hours
Fridays and Saturdays – 1000 to 0230 hours
Sundays – 1000 to 0130 hours

However, following concerns raised, on the application as a whole, by the Council's Environmental Services, being a Responsible Authority, Mr Sorrell, the Chairman of Holland Football Club had agreed to make the following amendments to the application (as set out in Section 2.3 of the report):-

Regulated Entertainment for the Outside Areas

Mondays to Thursdays – 1100 to 2200 hours
Fridays and Saturdays – 1100 to 2300 hours
Sundays – 1100 to 2200 hours

Premises Closing Times

Mondays to Thursdays – 0030 hours
Fridays and Saturdays – 0130 hours
Sundays – 0030 hours

The Council's Environmental Services section had confirmed that they would have no objection to those amended hours.

The Licensing Manager made the Sub-Committee aware that, since the aforementioned agreement with Environmental Services, Mr Sorrell had further revised the proposed opening hours after taking into consideration the objections raised by local residents. Those further amended opening hours were as follows:-

Mondays to Thursdays – 1100 to 2300 hours
Fridays and Saturdays – 1100 to 0000 hours
Sundays – 1100 to 2300 hours

The Licensing Manager then reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.5 of the written report.

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within her Operating Schedule and these were detailed in Sections 4.1 to 4.5 inclusive.

The Sub-Committee was informed that a petition had been submitted by Holland Football Club showing 320 persons in support of the application and that 17 individual letters of support had been received in relation to this application.

Members were further informed that 147 letters of representation/objection had been received in relation to this application.

It was reported that no other Responsible Authorities had made representations on the application.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance;
- (2) Prevention of Crime and Disorder; and
- (3) Planning and Building Control.

The Chairman asked if anyone had any questions that they would like to ask the Licensing Manager following her summary of the written report. There were no questions asked.

David Davies, appearing on behalf of the applicant, then addressed the Sub-Committee and:-

- (1) outlined how applicant had reduced the hours applied for on two occasions in response to the concerns raised through the consultation process;
- (2) stated that alcohol would only be served in a small part of the premises namely the Hall (which was 7m by 8m in size);
- (3) confirmed that the main purpose was not to service the sale of alcohol per se it was merely ancillary by subsidising the cost of the facilities provided to local football teams which was the primary function of Holland Football Club;
- (4) stated that under the previous licence at the premises it had run for 12 years without any recorded complaints and that this new application did not seek anything different to the previous licence;
- (5) stated that the new clubhouse was 50m further away from residential property than the previous demolished clubhouse;
- (6) acknowledged that there had been parking problems in the past which had caused nuisance to local residents but stated there was now a bigger up to 85 space car park which should alleviate those problems;
- (7) drew the Sub-Committee's attention to other sports and recreation clubs in the District which had licensed premises and had later opening hours to that being proposed in this application;

- (8) reminded the Sub-Committee that Holland Football Club offered an excellent much needed facility for children to play sport;
- (9) stated that the applicant had responded positively to the objections raised;
- (10) stated that the this premises would in no way become a 'night spot' seeking to attract people from Clacton Town Centre for a late night drink; and
- (11) informed the Sub-Committee that the Football Club had a stringent management plan; was working in consultation with Environmental Services; that bar staff would be fully trained and that there would be a policy in place that anyone who appeared to be under the age of 25 would be challenged to produce photo ID.

Mr Davies then called as a witness, Leigh Whyte, the Treasurer at Holland Football Club who read out a short statement outlining the purpose and management structure of the Club and confirming that they were merely seeking to have the same permissions as the previous licence.

Mr Davies then called as a witness, Colin Sargeant who was the local Essex County Councillor (Clacton East Division). County Councillor Sargeant addressed the Sub-Committee and:-

- (1) agreed that he had objected to the original application as the hours being sought were 'frankly ridiculous'. However, he was please that the Football Club had then responded to the objections raised and had reduced the proposed hours;
- (2) stated that Holland Football Club was a much needed facility in the community; sports and recreation clubs could be a hub of local life and that sports club could help make a difference in the fight against childhood and adult obesity;
- (3) referred to other licensed premises in Holland-on-Sea that had later licensed hours;
- (4) stated that the hall where alcohol would be served could only seat 36 people;
- (5) advocated holding open days for local residents to visit the premises and be able to raise any concerns/complaints etc. with the Club management;
- (6) stated that the Club car park had increased considerably in size which would ease parking problems and he also stated that he would support a residents' parking scheme in that location;
- (7) stated that he hoped that local residents would become members of the Club; and
- (8) stated that the proposed hours were proportionate and appropriate in that location.

Mr Davies then called as a witness Tony Rulten, who was representing the Holland Residents' Association (HRA). Mr Rulten addressed the Sub-Committee and:-

- (1) stated that the HRA had opposed the initial application but had decided to enter into discussions with the applicant and that the HRA were pleased that the proposed hours had now been reduced to those previously enjoyed at the premises.
- (2) stated that the new car park would ease the previous car parking problems;
- (3) stated that there had no problems at the premises under the previous licence;
- (4) stated that the HRA were now happy to support the application;
- (5) stated that on a site visit the HRA committee had been impressed with the Club's facilities and had noted the smallness of the hall; and
- (6) stated that the purpose of the bar was merely to provide an additional source of income to help the Club subsidise its future plans.

Albert Buckle, an objector, asked how many people would be using the outside of the premises as he had heard a figure of 2,000. Mr Davies replied that for an event of that size the Club would need to apply for, and have granted, a Temporary Event Notice. Also, given the size of the premises an event of that size would be extremely unlikely.

David Rose, an objector, stated that the applicant's noise and nuisance action plan referred in several places to outside music and asked if the position could be confirmed? Mr Davies replied that the tarmac access road would reduce traffic noise; the installation of a close boarded fence would attenuate the noise of outside music and a noise limiter on amplified music would also bring noise levels down.

Councillor S A Honeywood, a local Ward Member, questioned why so many of the signatories on the petition supporting the application were from people who lived outside the District. Ms Whyte replied that visitors from football teams from outside the District who had played matches at Holland Football Club had shown their support by signing the petition. The Licensing Manager also reminded the Sub-Committee that The Police Reform and Social Responsibility Act 2011 had removed from the Licensing Act 2003 the specific reference for representations to be made by 'interested parties' and had also removed the requirement that representations could only be accepted from persons living in the 'vicinity' of the premises concerned, or who had for example, a business in the 'vicinity' of the premises, and had substituted instead that representations could be made and accepted by the Licensing Authority from 'other persons'.

Mr Buckle drew attention to the fact that there had been no mention of live music events on the header of the 'supporting' petition and asked whether all the petition had been accepted by the Council given that, in his view, some at least had been submitted after the deadline for the submission of representations. The Licensing Manager confirmed that some of the petition had been accepted and another part had been rejected as it had been received 'out of time'.

Councillor Cossens asked County Councillor Sargeant why he had changed his mind on the application. County Councillor Sargeant replied that it was due to the fact that the applicant had reduced the hours being sought.

Councillor V E Guglielmi asked what music would be played at the premises. Ms Whyte replied that it would be ordinary disco music. There would be rubber mats placed under the speakers to absorb noise and, in addition, the speakers would face out on to the football pitch and away from the nearest properties.

Councillor Cossens asked who would set the levels on the noise limiter. Mr Davies replied that this would be done by Environmental Services who were in discussions with the applicant.

Councillor V E Guglielmi stated that the figure of 2,000 attendees at the premises was very alarming. Mr Davies stated that he did not know where that figure had come from and, in any case, the premises could not accommodate such a number on such a small site. He speculated whether the figure was a reference to the recent Easter Festival when there could have been such a number of people spread across the whole of the Eastcliff Playing Fields site.

Councillor S A Honeywood, on behalf of herself and Councillors Broderick, King and Winfield addressed the Sub-Committee and:-

- (1) stated that this was the wrong location for a venue selling alcohol and playing music;
- (2) stated that the noise of people leaving the venue late at night would be unacceptable to local residents;
- (3) stated that if the licence was granted the Football Club would become more akin to a night club; and
- (4) stated that if the application was to be granted then the hours should be reduced further and that the premises should be sound proofed and have an air conditioning system installed in order that all doors and windows could then be kept closed.

Mr Buckle then addressed the Sub-Committee and:-

- (1) stated that if the licence was to be granted then the premises could sell alcohol for up to 13 hours a day and more than half the hours in a week and would resemble a night club;
- (2) stated that this would be against the ethos of the new housing development on Gainsford Gardens which was primarily for the retired;
- (3) stated that this would cause parking problems and noise from late night traffic;
- (4) raised concern about the effect on users of the local children's play area and residents from noise and bad language caused by excessive drinking; and
- (5) stated that this would lead to anti-social behaviour and the subsequent involvement of Essex Police.

Oaky Ibrahim, an objector, then addressed the Sub-Committee and:-

- (1) stated that there was lots of noise and disturbance caused by the current use of the premises for football matches etc;
- (2) reiterated that most of the local residents were retired;
- (3) stated that he feared that this licence would lead to an escalation of current noise nuisance; and
- (4) stated that this location was meant to be a recreation ground and a football club and not a venue for alcohol.

Mr S Hewer, an objector, then addressed the Sub-Committee and:-

- (1) stated that the football club was a good community asset but that he was concerned that there would be frequent noise disturbance from outside music as the sound would travel across the recreation ground. He could already hear everything that happened during the football matches now;
- (2) stated that he wanted the outside speakers and live music to be not permitted;
- (3) stated that he did not want the amenity use of his garden to be disturbed;
- (4) stated that he did not believe that the use of the premises and noise levels would be monitored; and
- (5) stated that he feared that the premises would become a night club.

Mr Rose then addressed the Sub-Committee and:-

- (1) stated that whilst he supported the football club he was objecting to any outside music events in this residential area where the nearest houses were very close to the premises;
- (2) stated that he did not believe the close boarded fence would prevent noise disturbance as outside events at The Roaring Donkey Public House and even from Clacton Pier could be clearly heard when carried on the wind and so local residents would definitely be affected by outside music at this premises;
- (3) stated that he was concerned to hear that there would be a 500 seater stand erected by the Football Club; and
- (4) pointed out that many of those people supporting the application did not live in the vicinity of the premises.

Mr Davies asked Mr Rose where he had got the information about the 500 seater stand; had he seen that first hand; was he aware that the plan was for two 50 seater stands and that in any case that would be a planning matter and not for the Sub-Committee to consider as part of its deliberations.

Mr Rose replied that he had not seen the information himself but had been told by others that it was on the Football Club's website. He also said that he was thinking ahead to the problems that would be caused by an increase in visitors.

Mr Davies then asked Mr Rose if he had experienced any nuisance that he had formally recorded with the Council.

Mr Rose replied that he had not but that was the past and he was now talking about this application.

Mr Davies asked Mr Buckle in what way did he think that this premises would be conducive to become a night club and that he was in fact indulging in speculation.

Mr Buckle replied that he was not familiar with night clubs but that he believed that the playing of music, such as rock music, until midnight would resemble a night club.

Mr Davies asked Mr Ibrahim to confirm that he had heard swearing and raised voices from the football pitch but not from the premises itself.

Mr Ibrahim confirmed this but stated that the granting of this application would escalate noise disturbance as more people would equal more noise would equal more noise nuisance. He further stated that there was no need for a bar at the premises to attract more outside users. If the Club needed extra funds then this should come from the existing users/members of the Club themselves.

Mr Davies put it to Mr Ibrahim that many parents of the children playing in the Football Club's youth teams would not have the disposable income to subsidise the Club and that many other Football Clubs found alternative ways of raising funds. Did Mr Ibrahim want a blanket ban on the sale of alcohol at the premises?

Mr Ibrahim replied that the Club was deliberately looking for outsiders to use the premises – that he lived there, that he was being disturbed and that he was a victim of this application.

Councillor Guglielmi asked the objectors if it was the provision of outside music that they were principally objecting to which the collective answer was 'Yes'.

Councillor Henderson asked the Licensing Manager if a large scale event was held at the premises – would that need permission?

The Licensing Manager replied that Yes, the premises would need to apply for and be granted, a Temporary Event Notice which would be consulted on with the Responsible Authorities such as Essex Police.

Councillor Guglielmi asked the objectors if they were aware that a football club and recreation ground was in the vicinity when they moved in to their respective properties to which the collective answer was 'Yes'

Councillor S A Honeywood made a closing statement in which she reiterated that no outside music should be allowed at this premises; that the premises should be sound proofed and that no doors or windows should be permitted to be opened when the premises was being used for a licensable activity.

Mr Davies then made a closing statement in which he pointed out that a football club in some shape or other had existed at this location for thirty years with no formal complaints having been made to the authorities. The applicants in making this application had made efforts to reduce any nuisance caused by, for example, enlarging the car park in order to reduce the parking on nearby residential streets. The applicants were consulting with Environmental Services with regard to the noise limiter and pointed out that, as a Responsible Authority, Environmental Services could take action in the future if there were to be any noise problems. He stated again that the applicant had responded positively to the concerns of objectors and that they would be willing to hold open days at the premises to hear and to respond to any concerns local residents may have. He pointed out again that if the applicant wanted to hold any major event at the premises then they would need to have the benefit of a Temporary Event Notice.

Councillor Cossens asked the Licensing Manager that if the licence was to be granted and there was a future problem at the premises what would be the statutory process.

The Licensing Manager replied that if there was an alleged breach of the licence conditions then an investigation would be undertaken by the Licensing Section, which could also involve Environmental Services and Essex Police if necessary; that evidence would be gathered from all interested parties and that if required the licence would be brought before the Sub-Committee for a formal review or if, more appropriate, a prosecution in the Magistrates Court would be undertaken.

The Sub-Committee, the Council's Solicitor and the Committee Services Manager then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time the Sub-Committee, the Council's Solicitor and the Committee Services Manager then returned to the meeting.

The Chairman of the Sub-Committee informed all parties present that, due to the amount of evidence that they needed to consider and the various considerations that

needed to be taken into account, the Sub-Committee was not able to reach a decision at this time.

The Chairman stated that therefore the Sub-Committee would make its determination within the period of five working days beginning with the day on which this hearing had been held in accordance with Regulation 26(2) of The Licensing Act 2003 (Hearings) Regulations 2005. All interested parties would then be informed of the decision in writing.

The Chairman then formally closed the meeting.

The meeting was declared closed at 4.10 pm

Chairman