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Premises / Personal Licences Sub-Committee

3 August 2018

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 3RD AUGUST, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Cossens, Watson, Winfield and Whitmore (Stand-by Member).
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance)), Karen Townshend (Licensing Manager), Debbie Bunce (Legal and Governance Administration Officer) and Emma King (Licensing Officer)

10. CHAIRMAN FOR THE MEETING

It was moved by Councillor Watson, seconded by Councillor Winfield and:-

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

11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

12. MINUTES OF THE LAST MEETINGS

The minutes of the meetings of the Premises/Personal Licences Sub-Committees held on 24 May and 4 June 2018 were approved as correct records and signed by the Chairman.

13. DECLARATIONS OF INTEREST

There were none.

14. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none.

15. A.1 REPORT OF THE CORPORATE DIRECTOR (OPERATIONAL SERVICES) - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DOVERCOURT SKATE RINK, LOWER MARINE PARADE, HARWICH, ESSEX

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 20 minutes for each side.

There was then a short period of time where the list of objectors who wished to speak was compiled.

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 Dovercourt Skate Rink, Lower Marine Parade, Harwich.

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

Saturdays to Thursdays	1100 to 1600 hours
Fridays	1100 to 2330 hours

Seasonal Variations

Summer months and school holidays extend the opening hours everyday until 2300 hours.

The Licensing Manager reported that the proposed licensable activities applied for by the applicant were before Members in Sections 3.1 to 3.4 of the written report.

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

Members were further informed that 52 letters of representation/objection had been received in relation to this application.

It was reported that no 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.

The Chairman then asked the Licensing Manager to reiterate the expert evidence on the effects of noise at the premises as Essex Police and TDC's Environmental Health Section had not made any representations.

The Chairman then asked the Applicant to give a summary of his application.

The Applicant, Mr Christopher Scutt, then addressed the Sub-Committee and stated that he had been running the Dovercourt Skating Rink for the last three years. He had run approximately ten events utilising Temporary Event Notices, such as wrestling and films and had not had any complaints during that time. He felt that the business was not working as just a skating rink and therefore he was trying to diversify. He had no intention of trading everyday at the times applied for and would end any activities at 8.00 p.m. in the Winter months and by 11.00 p.m. in the Summer months. He had produced a noise management plan to ensure that residents were not affected and which was attached as an appendix to Report A.1 of the Corporate Director (Operational Services). He stated that he had purchased a Dome to try and alleviate the noise levels. He had looked at car parking when running events and had contacted the Council who had agreed to keep the adjacent car park open.

The Chairman asked the Objectors who were present if they had any questions of clarification to ask Mr Scutt before they addressed the Sub-Committee.

Mr Terry Rogers asked Mr Scutt what material the dome was made of, i.e. was it made of acoustic material. He also asked about the placement and direction of speakers. When showing films, if the screen was at the end of the skating rink he assumed that the speakers would be facing that way, not facing out to sea. If they were aimed at the audience, this would not help the effect on residents.

Mr Scutt then confirmed that the dome was inflatable and that it had been trialled at a Comic Con event which had been held at the premises. The speakers faced the seafront and they were directional speakers. It should not affect residents if the speakers were at the end of the premises. One speaker could be pointing forwards and one could be pointing diagonally facing the road and no sound would go towards the residents' properties.

Mr Adam Kulacz asked Mr Scutt about the noise management plan. What would the noise levels be if using the dome? There was nothing mentioned in the noise management plan in respect of acoustic barriers. He asked what were the parameters of the speakers as he was concerned that with wind direction noise could travel. He stated that noise prevention equipment should have specifications.

Mr Scutt confirmed that although he could not confirm what type of speakers would be used there were specifications on the equipment. He reiterated that at the Comic Con event when the dome had been trialled there had been no complaints.

The Chairman asked the Licensing Manager if she had anything further to add and she stated that she could not speak on behalf of Environmental Health, but that they had undertaken a site visit and had made suggestions in respect of the noise and those had been included within the noise management plan. If the Licence was granted, and subsequently there were complaints about noise, those complaints would be looked at and investigated by Environmental Health.

Mrs Thompson queried the licensing objective of protecting children from harm and how Mr Scutt would ensure that children passing by did not see films they shouldn't and Mr Scutt confirmed that when showing films e.g. with an 18 Certificate the screen would be angled so that it could not be seen from the road.

Mr Kulacz then commented that if the screen was situated differently then the speakers would be angled differently and Mr Scutt confirmed that no, the speakers would be in the same place.

The Chairman then asked the Members of the Sub-Committee if they had any questions for Mr Scutt.

Councillor Winfield asked if the noise was loud would a noise limiter be installed and Mr Scutt confirmed that the noise management plan was a working document and therefore this could be changed if needed.

The security of the alcohol supplies was mentioned and Mr Scutt confirmed that they would be locked away but would not be served on a regular basis in any event.

The Chairman asked Mr Scutt whether he proposed to play recorded music as this was not mentioned in his application and Mr Scutt confirmed that he did not intend to play recorded music. The Licensing Manager confirmed that any music played during the use as a skating rink was ancillary to skating and therefore already covered.

The Chairman then invited the objectors present at the meeting to address the Sub-Committee.

Mr Terry Rogers said that he had real concerns about the mitigation of noise generated. He was concerned about enforcement and had serious doubts that any conditions would be enforced and was concerned about residents' rights. He was worried that as the business was not working that this was why they were requesting a licence to allow them to have the extra activities at the premises.

Councillor Garry Calver then addressed the Committee. He thanked the Sub-Committee for letting him make representations and also thanked the Licensing Officers for their work on this matter.

He stated that since becoming a Councillor twelve years ago this was only the second application that he had sought to make comments on. He felt that the application had gone too far. He accepted that living in a seafront area a certain amount of noise had to be accepted, but that he felt that the application went beyond what was reasonable. There would be many hundreds of properties affected. He had spoken to a resident who confirmed that previously when a film was shown he could not watch the television in his own home because of the level of noise. He agreed that there had to be a balance but that the impact on residents should be given priority.

Cheryl Thompson then addressed the Sub-Committee and stated that she had concerns about the sale of alcohol. She asked how it would be monitored and controlled.

Mr Kulacz then addressed the Sub-Committee and spoke about the public nuisance aspect, littering and parking. He said that there was already parking on roads around the premises. He stated that living 100 yards away from the premises meant that residents would not have a peaceful evening. He stated that he could hear the wrestling, not just one road away, but four or five roads away. He considered that this had had a detrimental impact upon residents. Consideration should be given to residents.

Michelle Phillips then addressed the Sub-Committee and spoke about policing of events i.e. did the Police have any plans to deal with bad behaviour. She appreciated that living near the seafront a certain amount of noise had to be tolerated but she was concerned about whether the Police would respond to any incidents that occurred. She also stated that she was concerned about who would enforce the conditions once the licence had been granted.

Mr Christopher Scutt then responded to the objectors' comments. He felt that the application would not significantly change what he already undertook at the premises. He would not be selling alcohol until 10 or 11 p.m. at night every night, just on event nights.

In respect of parking, there had always been parking issues along the seafront. The Council had opened up the adjacent car park when he had events planned. He had also hired outside toilets on event nights.

He commented on the person who had complained about not being able to watch his television and said that this person had not approached him with his complaint. If he had, then the speakers could have been repositioned.

He stated that he had had no complaints in the past but that lots of objectors had now come forward because he had put in his application.

The Chairman then asked the Sub-Committee Members if they had any questions.

The Chairman asked Councillor Calver, whether there were any changes that could be made to the application to allow it to go through? Councillor Calver stated that the real worry was that this would leave residents open to the potential of there being events every night during the Summer months. He said that if events became successful then the applicant may wish to increase those events. At the moment there were limits on events and he was not opposed to what is going on at the premises at the present time. He did not feel that there was anything that could be done to take away the prospect of events eventually happening on a more regular basis.

The Chairman then asked the Applicant, Mr Christopher Scutt whether he wished to sum up his application. Mr Scutt confirmed that he would like to show films, have occasional wrestling and serve alcohol. He would be proposing to serve alcohol on events or if food was being served. In respect of the noise management plan, he stated that he would work with any issues that arose in respect of noise. As to the wrestling, he had previously had this as part of the Comic Con event on a Sunday but would be prepared to change the day of the wrestling. He stated that if the venue closed, there would be more risk of crime.

The Chairman asked the objectors if anyone would like to sum up and Mr Terry Rogers stated that there were apparently 250 people in favour of the application and the only comments received by the Council had been objections which he thought was strange.

Mr Kulacz stated that the residents only had 2 or 3 days in which to object to the application.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer 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 Legal and Governance Administration Officer then returned to meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:

"Application No. 18/00317/PREMGR Application for the Grant of a Premises Licence in respect of Dovercourt Skate Rink, Lower Marine Parade, Harwich, Essex.

1. The Sub-Committee has had a full and frank discussion and given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the representations received from residents, along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.
2. The Sub-Committee does not agree to grant the application in full. The Sub-Committee noted that the applicant appreciated the concerns of the local residents and indicated he would be content if certain licensable activities were not held on a Sunday. With that concession in mind, the Sub-Committee have decided that although they will grant the Licence for Sundays it will only be until 1800 hours or 6 p.m. for all licensable activities.
3. However, subject to paragraph 2 above, the Sub-Committee has decided to grant the remainder of this application, with the usual mandatory conditions.

Details of the Sub-Committee's decision will be notified to all interested parties in writing.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have a right of appeal to the Magistrates' Court."

The meeting was declared closed at 11.55 am

Chairman