

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 29 JULY 2013

Councillors Present: Paul Bryant (Chairman), Billy Drummond and Andrew Rowles

Substitute: Sheila Ellison

Also Present: Alison Beynon (Solicitor) and Brian Leahy (Senior Licensing Officer), Denise Anns (Strategic Support)

PART I

3. Declarations of Interest

Councillor Andrew Rowles declared an interest in Agenda Item 1, advising the meeting that he knew Mr & Mrs Carter but reported that, as his interest was not personal and prejudicial, he determined to remain to take part in the debate and vote on the matter.

Councillors Andrew Rowles, Paul Bryant and Billy Drummond declared an interest in Agenda Item 1, advising the meeting that they knew Councillor Paul Hewer but reported that, as their interest was not personal and prejudicial, they determined to remain to take part in the debate and vote on the matter.

Councillor Andrew Rowles declared an interest in Agenda Item 2, advising the meeting that he had been on the Planning Committee for Sainsbury's Planning Application; Councillor Paul Bryant declared an interest in Agenda Item 2 as he had been Chairman to the Planning Committee for Sainsbury's Planning Application. Both Councillors reported that, as their interest was not personal and prejudicial, they determined to remain to take part in the debate and vote on the matter.

4. Application No. 13/01058/LQN - Hungerford Town Football Club

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 13/01058/LQN in respect of Hungerford Town Football Club, Bulpit Lane, Hungerford RG17 0AY.

In accordance with the Council's Constitution, Brian Leahy (Licensing Manager, West Berkshire Council), Mr Steven Skipworth (Chairman of Hungerford Town Football Club - Applicant), Anna Smy (Environmental Health – Responsible Authority), Mrs Carter (Objector) and Councillor Paul Hewer (Supporter) addressed the Sub-Committee on this application.

Mr Leahy, in addressing the Sub-Committee, raised the following points:

- West Berkshire Licensing had received three (3) objections to the Application made by Hungerford Town Football Club. The objection by Environmental Health had been mediated out with a list of conditions attached. Anna Smy would speak on behalf of Environmental Health the Responsible Authority to provide clarification. The paperwork was comprehensive, the objectors were in attendance and therefore it was a decision for the Members to make.

Mr Steven Skipworth (Chairman of Hungerford Town Football Club), in addressing the Sub-Committee, raised the following points:

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- He firstly wished to offer an apology regarding the noise pollution at the recent match. It had been a finals play off that had gone to extra time. He went on to list the improvements that had already been started.
- The Horns that had been used for the last 40 years, sited around the site had been taken down and replaced by speakers that were only sited at the club end of the site.
- A noise pollution system had been put in place.
- The Club had a new contract in place that required all doors and all windows other than those at the park side of the building to remain closed.

He had received a number of letters of support that unfortunately had been received too late to include with the paperwork. One of the main reasons for the application was that currently only members of the Club could be served alcohol; any visitors attending any function could not. The Club wanted to be able to sell alcohol to members and their visitors. He advised that he was unaware of any previous complaints regarding noise.

Councillor Billy Drummond asked if the Club issued a contact number for people to use if they wished to make a complaint regarding noise etc. Mr Skipworth replied that they did, they also had the Club telephone diverted. They also issued match fixture leaflets and flyers for functions like weddings so that local residents were aware.

Councillor Paul Bryant asked Mr Skipworth to clarify the statement on page 29 – “At a site meeting with the Club Secretary on 26 June 2013 he agreed for a condition to be included that during indoor regulated entertainment all doors and windows be kept shut and also that outdoor live music be removed from the application”, was he still happy with that condition? Mr Skipworth responded that he was. Councillor Bryant asked how the Club was going to deal with the current hot weather. Mr Skipworth responded to say that their current contract stated no windows or doors to be opened. Councillor Bryant asked if the Club had air-conditioning. Mr Skipworth replied no. Councillor Bryant drew Mr Skipworth’s attention to page 29 and the reference to recorded music out doors. Mr Skipworth replied that they followed the format of other sporting events and only played music for a period of half an hour before the event. What they had put in place would suffice.

Mrs Carter (Objector) in addressing the Sub-Committee raised the following points:

- For over 20 years she had lived with the noise associated with Hungerford Town Football Club. The music from the tannoy system could still be heard with all the house windows shut. They had upgraded their windows but still could hear the noise. When a function was on they could not sit in their garden or open their windows.
- Mrs Carter would like to see a condition that the Club had to have all their doors and windows closed. She felt that no consideration had been shown to the residents and the catalyst to her objection was the function held on Sunday and Monday.

Councillor Andrew Rowles asked Mrs Carter if the tannoys were dotted around the grounds. Mrs Carter replied yes.

Councillor Billy Drummond asked how many nights this year they had been affected by noise. Mrs Carter responded to say that this Monday they were disturbed at 10.20pm at night and previous summer parties and events had been very noisy and that it was very inconsiderate for all their neighbours.

Councillor Paul Bryant referred again to page 29, the penultimate paragraph of the Environmental Health representation and asked if she agreed with the condition. Mrs Carter said that she would like to see no music played over the tannoy system.

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Councillor Paul Bryant asked Mrs Carter if she agreed to alcohol being served to visitors. Mrs Carter replied that she would like it to remain for members only, if it was sold to any visitor then the Club would have no control over the attendance.

Brian Leahy (Licensing Manager) drew the panels' attention to page 6 of the Application where the boxes ticked included live and recorded music. Councillor Bryant responded to say that outdoor music should be removed. Mrs Carter said she would like to see all outdoor music whether live or recorded removed. Councillor Bryant asked Mr Leahy how match days would be affected if the panel approved the conditions. Mr Leahy replied that this was a matter for the panel to decide.

Councillor Paul Hewer (Supporter) in addressing the Sub-Committee raised the following points:

- Councillor Hewer expressed his pleasure that both parties had been talking to one another, he also asked if the situation could be monitored for the next few months to ensure that Mrs Carter and surrounding neighbours were satisfied with the improvements mentioned. He advised that he had always lived within earshot of the Club and agreed that sometimes the noise was overpowering, but to not approve the licence could disable the Club. He was saddened that Hungerford Town Council's representative had not turned up.

Councillor Billy Drummond asked Councillor Hewer if he was a member of Hungerford Town Football Club. Councillor Hewer replied that he was not. Councillor Drummond asked him if he has ever been a member. Councillor Hewer replied that he had been in the past and had attended matches at the Club.

Mrs Carter asked Councillor Hewer if his family or grandsons played there and were members. Councillor Hewer replied that they had all played at the Club over the years but had never been members.

Anna Smy (Environmental Health - Responsible Authority) in addressing the Sub-Committee raised the following points:

- This application was received by the Environmental Quality Team on 18 June 2013. Hungerford Town Football Club was located on the edge of the town environment in Hungerford, with a number of residential properties in close proximity to the north, south and east. The closest residential gardens bordered the grounds and the closest garden was within 30m of the football club buildings.
- The Environmental Quality Team of Environmental Health received complaints during April 2013 from a nearby resident regarding outdoor noise from amplified music being played over the tannoy system, especially at weekends when football matches were taking place, and also indoor music from events. The Club Premises Certificate held by Hungerford Town Football Club permitted recorded music indoors only.
- It should be noted that at a site meeting with the Club Secretary on 26 June 2013 he agreed for a condition to be included that throughout indoor regulated entertainment all doors and windows be kept shut. The reason for outdoor live and recorded music was discussed and he suggested that it be removed from the application.
- Further conditions suggested were that recorded music would only be played through speakers with a noise limiter in place, the removal of external live music and all doors and windows need to be kept shut.

Councillor Bryant asked if Anna Smy was aware of door limiters being fitted at the Club. Anna Smy replied that she was not aware. Mr Skipworth advised that no doors closed automatically. Councillor Bryant asked if the new speakers had already been fitted. Mr Skipworth replied that they would be fitted within the next couple of weeks.

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The Sub-Committee retired at 10.30am to make its decision.

5. **Application No. 13/01020/LQN - Sainsbury's Supermarkets Ltd (Falkland Service Station forecourt store)**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 13/01020/LQN in respect of Sainsbury's Supermarkets Ltd., redevelopment of Falkland Service Station forecourt Store, 170-174 Andover Road, Newbury RG14 6NT.

In accordance with the Council's Constitution, Brian Leahy (Licensing Manager, West Berkshire Council), Sabrina Cader (Solicitor acting on behalf of Sainsbury's Supermarkets) and Councillor David Allen (Objector) addressed the Sub-Committee on this application.

Mr James Powell (Store Manager for Sainsbury's) and Mr Giles Taylor (representative for Rontec) were also at the hearing.

Mr Brian Leahy, in addressing the Sub-Committee, raised the following points:

- This Application is for a Premise Licence for Sainsbury's Supermarkets at 170-174 Andover Road, Newbury RG14 6NT. Only one objection from Newbury Town Council had been received, no other objections had been logged.

Sabrina Cader (Solicitor speaking on behalf of Sainsbury's Supermarket), in addressing the Sub-Committee, raised the following points:

- The reason for this application was because Rontec and Sainsbury's had a contract to sell the premises to Sainsbury's, Rontec had their existing premise licence and wished to continue trading right up until the day of exchange. This therefore meant it was easier for Sainsbury's to apply for a new licence. The site would close for approximately 3 months then Sainsbury's would take over. The site had been licensed for over 10 years and during that time there had been no issues raised by either the police or environmental health. Sainsbury's operating format was 07.00am until 11.00pm 7 days a week. Sainsbury's was a responsible company who operated the Challenge 25 policy, all cashiers had to receive a 100% pass rate and training was refreshed every 6 months. Sales transactions were downloaded in the back office and could be accessed immediately if required. Mystery shoppers were sent by Sainsbury's on a regular basis and CCTV was in operation. Sainsbury's put great store in their Store Managers and would therefore urge any issues that might arise between residents and the store to be discussed with the appropriate manager.

Councillor David Allen (Newbury Town Council), in addressing the Sub-Committee, raised the following points:

- He was attending the meeting with his Town Council hat on and he was also a member of its Planning and Highways Committee that had discussed this application at the meeting on Monday 01 July 2013.
- The Committee objected to the licensing application on four grounds:
 1. The prevention of crime and disorder.
 2. Public safety.
 3. The prevention of public nuisance.
 4. The protection of children from harm.
- The reasons for the objections were because the Premises Licence Application stated the store would be open for 24 hours a day when planning permission had only granted 7.00am – 10.00pm Monday to Saturday and 7.30am to 9.00pm on Sundays

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and Bank Holidays therefore the Premises Licence requested sale of alcohol outside of the restricted store opening times.

- The 16 hour sale of alcohol was inappropriate in a residential area.
- The 16 hour sale of alcohol was inappropriate in a local convenience store.
- Newbury Town Council was concerned that the 16 hour sale of alcohol would lead to anti-social behaviour and would create a noise nuisance..
- The Newbury Town Council Committee believed that the proposed licensing hours of 7.00am – 11.00pm were excessive in a residential area, the service station was at the end of a residential street with houses surrounding the site on three sides.
- They felt that nothing in the application made them believe that Newbury Town Council’s concerns had been addressed. For instance on page 16 of the application (page 52 of the agenda) the applicant stated that signage would be displayed at the exit of the premises requesting customers to leave the premises late at night quietly and with consideration. That would not be adequate.
- They felt that reliance on the CCTV to prevent crime and disorder was a good start but asked that other schemes were considered.
- As previously stated there were residential properties immediately opposite and adjacent to the premises and a large secondary school a few hundred metres away and there appeared to be no conditions that addressed residents being disturbed and inconvenienced early in the morning.
- Finally the Thames Valley Police licensing officer had emailed his support for the proposed objections on the 16 July 2013.

Sabrina Cader advised the panel that nowhere in the paperwork was there a copy of the mentioned email from Thames Valley Police. Mr Brian Leahy asked Councillor Allen if he could advise who had been copied into the document. Councillor Allen replied that no one had been copied in. Mr Leahy advised the panel that the Police had received a full application and no objection had been received by the Local Authority

The Sub-Committee retired at 11.30am to make its decision.

(The meeting commenced at 10.00 am and closed at 11.30 am)

Name

Date of Signature

Name

Date of Signature

Name

Date of Signature