

CENTRAL BEDFORDSHIRE COUNCIL

Record of a **LICENSING SUB-COMMITTEE** hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 and held at the Council Chamber, Priory House, Chicksands, Shefford on Friday, 7 September 2018

LS/18/1. **Licensing Sub-Committee Composition**

Cllrs: K M Collins
 T Nicols
 P Smith

LS/18/2. **Names of Parties in Attendance**

Cllr K M Collins (Central Bedfordshire Council)
Cllr T Nicols (Central Bedfordshire Council)
Cllr P Smith (Central Bedfordshire Council)

Ms R White – Lawyer (LGSS Law Ltd for Central Bedfordshire Council)
Ms N O'Donnell, Licensing Compliance Officer (Central Bedfordshire Council)

Mrs C Jagusz – Committee Services Officer
Mrs S Hobbs – Senior Committee Services Officer

Mr Du Feu – Speaker on behalf of the Objector
Mrs Du Feu – Observer

LS/18/3. **Election of Chairman**

Cllr T Nicols was elected as Chairman for the hearing.

LS/18/4. **Introductions**

All attendees introduced themselves.

LS/18/5. **Members' Interests**

There were no declarations of interest.

LS/18/6. **Procedure for the Hearing of Applications under The Licensing Act 2003**

The procedure for the hearing of applications made under the Licensing Act 2003 was introduced by the Chairman and noted.

LS/18/7. **The Four Licensing Objectives**

The four Licensing Objectives were noted.

LS/18/8.

Application for a Premises Licence at The Clophill Centre, Shefford Road, Clophill, Bedfordshire MK45 4BT

The Chairman noted that Mr Du Fue was speaking on behalf of the original objectors who were unable to attend the meeting.

It was also noted that the Applicant was not in attendance despite the Licensing Team contacting him and time being allowed for a possible late arrival.

The Licensing Compliance Officer advised that a premises licence had been submitted and had resulted in two representations, one from the Fire Service with regards to Public Safety and one from the Environmental Health Officer with regards to Prevention of Public Nuisance. Both representations were withdrawn following receipt of a detailed plan from the applicant and conditions were applied to the application. These conditions were agreed by the Applicant.

The conditions were as follows:-

- A noise management plan to be submitted within one month of the granting of the licence and to be fully implemented at all times
- The performance or playing outside of live or recorded music shall only take place between 1200 to 2300.
- For the period Jan to Dec 2018 there shall be a maximum of 15 outside music/performance events and this shall decrease to 12 from Jan to Dec 2019.
- The licence holder shall engage 2 security officers on site for the duration of outside events lasting more than 24 hours. Each security officer shall be registered with the Security Industry Authority.
- A written record shall be kept on the premises by the licence holder and this shall contain the details of every security guard employed on the premises.
- Within 6 months of the granting of the licence, the licence holder shall undertake an accredited Award for Personal Licence Holders and obtain a personal licence.
- The licence holder shall advise the Central Bedfordshire Safety Advisory Group with the details of any regulated entertainment of more than 24 hours duration (not less than 3 months in advance of the date of the event).

In response to questions, the Licensing Compliance Officer advised:

- that security officers would be required for crowd control and ensuring the events finished on time. It was noted that no alcohol would be served but the Applicant would apply for a Temporary Event Notice (TEN) should an event take place that would include alcohol.
- a review of the licence would be called if the Applicant did not comply with the conditions.
- that the Fire Service would advise as to capacity and that all premises licences refer to a 5000 capacity as a standard figure.

The Chairman invited Mr Du Feu to present the case of the objector.

Mr Du Fue advised the Sub-Committee that he was the objector's neighbour and would be speaking on their behalf.

Main points for comment:

- the information provided gave a misleading idea of the indoor noise levels and that each event came with a number of cars and campervans.
- that festivals were being held.
- weekend events began mid-week with construction work erecting marquees and tents, campers and catering trucks setting up. The noise would also apply after the event with the dismantling of the equipment, marquees etc.
- people stayed on after the events had finished.
- with regard to the noise, a quote was given from the objector who is "fed up with wearing ear plugs in his bedroom".
- some of the events were weddings and these would require catering including alcohol.
- toilets were an issue as there were no main drains on site.
- a regular tom-tom drum club took place outside of the premises.
- this was a rural community with 7 residences on the same road.

In response to questions, Mr Du Fue responded:

- about 150 people would attend these events.
- that events had been taking place regularly for about 4 years.

It was noted that no objections had been received from residents of the nearby village.

As the Applicant had not attended the hearing, the Sub-Committee were unable to receive the applicant's representation.

In response to a question, the Licensing Compliance Officer confirmed that Condition 2 defined the event and Condition 3 referred to the number of 'event days' that could take place in 2018 (15) and 2019 (12). It was clarified that every day of an event would be considered part of the event day total defined in Condition 3.

It was noted by the Sub-Committee that the Applicant would need to be fully aware of these conditions to ensure that he did not exceed the maximum number of events per year.

The Sub-Committee adjourned in private at 11.10am to make its decision. The Council's legal representative remained with Members in the meeting room to advise as necessary. The hearing reconvened at 12.30am when the Sub-Committee had finished its deliberations and announced its decision.

Decision

Following consideration of the information before it, the Sub-Committee decided that the application for a premises licence be granted.

The Sub-Committee determined that although matters complained of include noise that impacts on the local neighbours, the noise complained of does not amount to a 'public nuisance'.

The Sub-Committee does not find that the noise complained of had a disproportionate and unreasonable effect on persons living and working in the area around the premises.

The Sub-Committee was mindful of deterring events that were valuable to the Community and on this basis, grant the licence with conditions as set out in Appendix 1 to the decision notice.

In coming to its decision the Sub-Committee took into account the following:-

- The Licensing Act 2003;
- The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003;
- Central Bedfordshire Council's Licensing Policy; and
- The merits of the application and the representations (including supporting information) presented by all parties.

It was noted that the LGSS representative would provide a decision notice within 5 working days of the hearing.

The Chairman advised the hearing of the right of appeal.

(Note: The meeting commenced at 10.23 a.m. and concluded at 12.38 p.m.)