

Decisions of the Licensing Sub-Committee

5 October 2016

Councillor John Hart

Councillor Brian Salinger

Councillor Jim Tierney

1. APPOINTMENT OF CHAIRMAN (Agenda Item 1):

The Sub-Committee agreed that Councillor John Hart was Chairman.

2. ABSENCE OF MEMBERS (IF ANY) (Agenda Item 2):

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY) (Agenda Item 3):

None.

5. NEW PREMISES APPLICATION, HADLEY FOOTBALL CLUB, THE PAVILION, BRICKFIELD LANE, ARKLEY, LONDON, EN5 3LD (Agenda Item 5):

The Sub-Committee considered an application for a new premises licence which included representations from the Licensing Authority, the applicant and two members of the public who spoke in objection.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC (Agenda Item 6):

RESOLVED: That the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations) 2005.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION (Agenda Item 7):

The sub-committee retired to deliberate in private session, accompanied by the council's legal and governance officers, to consider the facts of the application and the measures necessary (if any) to ensure the promotion of the licensing objectives.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE (Agenda Item 8):

This was an application for a new club premises certificate under section 71 of the Licensing Act 2003 in respect of Hadley Football Club, the Pavilion, Brickfield Lane, Arkley, London, EN5 3LD. The application sought to allow the sale and supply of alcohol to club members on the premises only from 18:30hrs until 22:30 on Tuesdays and Wednesdays and from 13:30hrs until 23:00hrs on Saturdays. The application also sought to allow the premises to open to the public from 18:30hrs until 22:30 on Tuesdays and Wednesdays and from 13:30hrs until 23:00hrs on Saturdays.

The Sub-Committee noted that the applicant had liaised with the police and various conditions had been agreed. In addition, it was noted that there were no objections from any of the responsible authorities.

While no responsible authorities made representations, there were 5 representations from members of the public, 2 of which were from the same residential address.

A local resident, Mr Hrishikesh Nimal-Raj made oral representations on the basis that there was an existing problem with noise in the area that would be exacerbated by the sale of alcohol at the premises. Mr Raj highlighted that there were also concerns relating to the sound proofing of the property. Mr Raj also made representations to the effect that granting the licence would result in crime and disorder in the area. Dr Kisholi Nimalaraj of 1 Mountview Cottages also made representations on the grounds of the health consequences of alcohol and that the sale of alcohol would also exacerbate problems of noise nuisance. In particular, she stated that the consumption of alcohol would affect the behaviour of patrons and would lead to a potential increase in public nuisance. Dr Nimalaraj also expressed concerns with the sound proofing and structure of the building and the lack of security measures to deal with anti-social behaviour and possible crime and disorder.

The guidance to the Licensing Act makes it clear that in respect of crime and disorder, the Police are the main providers of information and evidence. In this instance, the Police did not make any objection. This does not mean that local residents may not raise this issue, but the Sub-Committee considered the weight to be given to it. The Sub-Committee noted that there was no evidence or even any reasoning as to why these premises should cause an increase in crime and disorder in the area.

The Sub-Committee were shown a video that was submitted in support of refusal of the application. The video showed noise levels emanating from the changing rooms in the form of music. The Sub-Committee noted that the neighbour's property was located 5-10 metres from the premises.

In relation to the concern of public nuisance, the applicant made representations that a number of conditions had been now agreed with the police regarding potential noise. Furthermore, the applicant stated that the music was coming from the changing rooms of the away team and in order to address this concern they would be moving the home team into this changing room. The applicant felt that this would address the problem as the club could exert more control on their own players. The applicant also stated that alcohol would only be sold on match days and that the sale of alcohol would not result in an increase in public nuisance or crime and disorder. The Sub-Committee noted that the applicant was not seeking to hold private functions at the club.

The Sub-Committee noted that there had been no representations made by pollution control and that there had been no complaints received by the Council concerning noise nuisance.

Having fully considered the written and oral representations from all the parties, the Sub-Committee discussed the matter and decided to grant the licence, as amended to contain the conditions that were agreed with the police. The Sub-Committee however made an amendment to the hours on Saturday so that the sale of alcohol would be permitted from 13:30 hours until 22:30 hours. The Sub-Committee felt that the grant of the licence as amended would be in the promotion of the licensing objectives.

Right of Appeal:

Any party aggrieved with the decision of the Licensing Sub-Committee on one or more grounds set out in schedule 5 of Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 9):

There were no urgent items.

The meeting finished at 13:10