

At a meeting of the LICENSING SUB-COMMITTEE held in the CIVIC CENTRE on MONDAY, 26th APRIL, 2010 at 10.00 a.m.

Present:-

Councillor P. Gibson the Chair

Councillors Old and J. Scott

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

All Members of the Sub-Committee being present, there were no apologies for absence.

Licensing Act 2003 –Determination of an Application for the Grant of a Premises Licence – Hetton and Eppleton Community Hall, Office Place, Hetton-le-Hole, DH5 9JG

The Executive Director of City Services submitted a report (copy circulated) concerning the above.

(For copy report – see original minutes).

The Sub-Committee in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder have read all the documents presented to them contained in and appended to the report for this hearing.

In reaching their decision the Committee have taken account only of the information presented by the Applicant and those relevant representations of responsible authorities and interested parties as defined in the Act.

In respect of the responsible authorities, the information provided was as follows:-

(a) The Police -

have not attended and have not written stating that they do not have any objections to the application.

(b) The Tyne and Wear Fire and Rescue Service:-

have not attended and have not written stating that they have any objections to the application.

(c) The Health and Safety Executive -

have not attended and have not written stating that they do not have any objections to the application.

(d) The Council's Development and Regeneration Department regarding planning issues -

have not attended and have not written stating that they do not have any objections to the application.

(e) The Council's Community and Cultural Services Department regarding Pollution/Public Health/Health and Safety and Trading Standards issues -

have not attended and have not written stating that they do not have any objections to the application.

(f) The Council's Social Services Department by its Children's Services Section regarding the protection of children from harm -

have not attended and have not written stating that they do not have any objections to the application.

The Committee have received one letter of objection from an Interested Party which states:-

Re: Hetton and Eppleton Community Hall, Office Place, Hetton le Hole

We would like to strongly object to the granting of a licence enabling the above to sell alcohol and play live music.

The hall already has a number of activities which create great difficulties for us to access our property. Cars frequently park on the road/kerb which restricts access.

We feel that the granting of a liquor licence is completely unnecessary when you taken into account that there are two public houses a matter of yards away.

Whilst we feel it is preferable to have the hall being used for various groups and youngsters in order that they can progress their hobbies and interests we are extremely anxious that liquor licence and live music will lead to parking problems as well as greatly heightening the opportunity for rowdiness through alcohol and music.

As other immediate neighbours have done, we have spent a considerable amount of time and money on our properties ensuring that it is a quiet place to reside. I have personally experienced living in close proximity to a pub and it is one of the reasons we moved to where we are now.

Please confirm that you have received this letter and note our objection.

Mr. Hardman, the interested party, attended the hearing and verbally gave his concerns. He stated he fully supported the use of the church hall for the benefit of the community but had a number of specific issues relating to this application. Firstly, in respect of parking, this is an access road and is not designed for two vehicles. He has to use this road to get into his premises and on a number of occasions has had to ask those using the church hall to move their vehicles in order for him to do so. The second issue is that of live music. This certainly would disturb residents in what is a quiet residential area. In fact it is not just live music but recorded music that is a problem. Recently there has been recorded music played and the base sound could be heard and felt thumping through from the hall. There has also been a problem with some of the clubs operated in the hall. On one occasion there was a dog training club and residents had to go out and speak to those participating because they had failed to remove the dog excrement. Mr. Hardman said that he had past experience living close to a licensed premises to know the problems that can occur. He bought this house and has spent a lot of money on it because it is a nice residential area. The application suggests that the premises are situated in a public area away from homes, this is not correct and the hall is close enough to have a significant impact. Mr. Hardman said their biggest concern was being able to sell alcohol. Why is this needed. There are licensed premises nearby. He has got direct experience of seeing a young man relieving himself directly outside of his property. This is not acceptable and they have a right to peaceful enjoyment of their homes. It is stated that it is envisaged that live music will only take place two to three times a year. What is meant by envisaged? Why do they need to have an alcohol licence and why do they need to be open until the early hours on new years eve. Mr. Hardman concluded by saying he believes that the sale of alcohol will have a big impact and will encourage noise and rowdy behaviour.

Councillor Scott then asked Mr. Hardman how far his house was from the hall. Mr. Hardman responded that he didn't know the exact distance but as could be seen on the map he was close enough to be disturbed by anything that went on there.

Councillor Gibson then asked Mr. Hardman to confirm that the only access to his premises was via Office Place, which he confirmed to be the case.

The Committee on behalf of the Applicant have heard from the Rev. Anderson and Mr. Wharton. The Applicant and Trustee Member. Mr. Wharton said that the hall was associated with the church which had been directly across the main road. However, this had to be closed for foundation problems and whilst this restoration was being

done, vandals got into the premises and burnt the church down so the congregation have been forced to merge with that in Easington Lane with them only on occasions using the church hall for worship. The church hall itself required significant refurbishment work in order to be used as a community facility. The church applied for and obtained charity status and approached funders to bring the facility up to scratch. A number of conditions were imposed in respect of making the premises accessible and complied with the Disability Discrimination Act and a basic requirement that the church did everything possible to maximise the community's use of the facilities. Currently there are sequenced dancing classes, art classes and dance classes for children. In addition there is a social supper about once per month and it is intended to start up a luncheon club. In respect of the social evenings, the church were selling tickets and included in that was one or two glasses of wine per person which they now realise they should have had a licence for which is now they are applying for such a licence. The types of activities that they are envisaging it being used for would include funeral buffets, which generally include an alcoholic drink. They as a group are concerned about the use of alcohol by, in particular, 18-25 year olds and would ensure that there is no abuse of the facilities by anybody hiring the hall. Anybody hiring has to agree to the terms and conditions and these relate to all of the licensing offences, including supplying alcohol to those under 18 or those who are drunk. Anybody hiring the premises has to pay a deposit which will be non refundable in respect of any breach or any problems caused.

Rev. Anderson added to that that the person nearest to the hall, living in Glenside is also one of the Trustees of the Management Committee, She lives closer than anyone including Mr. Hardman and has reported that all of the events, which aren't many, have caused minimal disruption to her.

Councillor Scott then asked that it would not be intended that the premises would be used every day. This was confirmed and that the majority of the activities are non-licensable.

Councillor Gibson then asked if they were aware which function had resulted in the base music which Mr. Hardman complained of.

Rev. Anderson suggested she was not sure but the ATC used the hall next door and they have activities on a Friday night . She went on to say that it could have been from a disco.

Mr. Hardman responded, it was a disco, but he had seen them leaving the premises and it was definitely from the church hall and not the ATC premises.

Councillor Gibson then asked about car parking facilities. The Rev. Anderson referred him to the map and said the triangular area next to the hall was in fact a car park. In addition people parked in the area marked posts directly opposite on Office Place which was an area owned by a local garage. She did not believe that parking was a problem and even when cars parked there, there was always sufficient room left to allow other vehicles to pass.

Mr. Hardman responded that vehicles turn around next to his property and that it has made access to his house more difficult and he has on occasions had to ask people to

move their vehicles. He remains concerned in particular, about the sale of alcohol and the provision or recorded and live music and believes granting this application will change the demographic nature of the area.

In accordance with the Council's procedures adopted for hearings before its Licensing Sub-Committee all parties – the Applicant, Responsible Authorities and interested parties – have been given an equal opportunity to present their respective positions and sum up thence having heard all the evidence.

The Committee, having heard and read all the evidence, have considered all of this in light of the requirement placed upon them in the Act, to promote the four licensing objectives of:

- (1) the prevention of crime and disorder;
- (2) public safety;
- (3) the prevention of public nuisance;
- (4) the protection of children from harm.

The Committee have also had due regard to the Council's own statement of licensing policy and the issued government guidance.

Specifically the Committee has taken into account the following provisions of the Licensing Act 2003:-

Sections : 17, 18 and 19

Reasons: These Sections as modified as to community premises nor requiring a designated Premises Supervisor – deal with the grant of a Premises Licence its determination and mandatory conditions.

The Committee has taken into account the following provisions of the guidance under section 182 of the Act:

Paragraphs 1.1 to 1.19, 2.2 to 2.6, 2.19, 2.32 to 2.33, 2.38 to 2.39, 2.41 to 2.44, 2.51, 3.9 to 3.14, 3.25 to 3.26, 4.35 to 4.49, 8.3 to 8.17, 8.26, 9.1 to 9.2

Reasons: These paragraphs deal with the objective aims relaxations for community premises, the determination and the attachment of conditions.

The Committee has taken into account the following provisions of its statement of licensing policy:

Paragraphs 4, 9, 10, 11, 13, 16, 17 and the pool of conditions in Appendix 1.

Reasons: These paragraphs relate to the issues relevant to this application

The Committee have decided in respect of this application having regard to the licensing objectives:-

(i) Prevention of Crime and Disorder

The representation states that granting the licence will heighten the opportunity for rowdiness through alcohol and music. This is a community ran facility and there is no evidence to support this view the operating schedule includes the provision of good behaviour notices. The Thwaites' case makes it plain that evidence is required before making a decision to refuse a licence. The concerns are speculative, no complaints have been made to any responsible authority and as a consequence there have been no representations or concerns raised by either the Police or Environmental Health.

(ii) Public Safety

No issues are raised by this application.

(iii) Prevention of nuisance

The Community Hall is already used for activities without problems and the granting of the licence should not change this situation. There is no evidence from the Police of illegal or dangerous parking and even if there was this would be dealt with separately to any licensing issues.

(iv) Protection of children from harm

There are no issues that have been identified relating to this objective.

1. RESOLVED that the Committee have decided to grant the application.

The application is granted subject to only the provisions set out in the Operating Schedule of the application. At this stage there is insufficient evidence for any other conditions or to restrict or modify the licence applied for. The interested party has been advised of the right to seek a review based upon evidence if problems, which cannot be resolved, arise out of the grant of this application.

(Signed) P. GIBSON,
Chairman