

West Wiltshire District Council

Licensing Sub-Committee

**for the application for Variation Premises License
of The United Services Club, Imber Road, Warminster**

Held on: Tuesday 6 September 2005

Held in: Council Chamber, Bradley Road, Trowbridge

Present: Bob Brice – sub-chair (BB), Trevor Carbin (TC), Janet Repton (JR)
Nigel Lazenbury (NL) – Applicant; Charles Goodbody – Lawyer (CG)

Officers: Policy & Licensing Officer – Maggie Jones (MJ), Lawyer – Nigel Musgrove (NM), Member Support Officer (Licensing) – Janette Massey (JM)

1. Declarations of Interest

There were no declarations of interest

2. Hearing Procedure

BB read through the hearing procedure, this was understood by all present.

3. Application for determination

MJ read through the Summary Report outlining the application as follows:

Supply of Alcohol (on and off premises)

- Monday to Saturday 1100 to 2300
- Sundays and Good Friday 1200 to 2230
- 1200 to 1500 and 1900 to 2230 on Christmas Day
- 1100 New Years Eve to 2300 New Years Day

Public Entertainment

- Monday to Friday 1900 to 2300
- Saturday 1100 to 2300
- Sunday 1200 to 2230

The variation applied for is, in summary:

- Extend the hours for the supply of alcohol

- ◆ Monday – Sunday 1000 to 0000
- ◆ Friday, Saturday, Sunday and Monday of each Public Holiday Weekend and Christmas Eve, Boxing Day 1000 to 0100
- ◆ New Years Eve 1000 to 2300 New Years Day
- Regulated Entertainment (Members and Guests)
 - ◆ Live music, recorded music, provision of facilities for making music, provision of facilities for dancing 1000 to 0000.
 - ◆ Friday, Saturday, Sunday and Monday of each Public Holiday Weekend and Christmas Eve, Boxing Day 1000 to 0000
- Remove the conditions of the Public Entertainment Licence and the restrictions in the Licensing Act 1964

Summary of representations and relationship with the Licensing Objectives

A relevant representation has been received from a resident.

The issues of concern, which can be considered:

- Disturbance from music and children on the premises

There is also concern that parking problems and congestion will increase, although these are matters that do not fall within the four licensing objectives and therefore cannot be considered.

CG addressed the Committee giving details of the Club and it's membership and talking through the club's layout. CG stated that although there had been one representation made this was not from the any of the homes closest to the club. CG also pointed out that there was parking for 16 – 18 cars, depending on the way the cars were parked, also that Mr. Lazenbury had been Secretary for the club for 16 years without a single complaint and pointed out that none of the relevant authorities had made representation. CG stated that the hours requested were only to bring the club licence in line with those of other premises in the locale.

CG pointed out that in the letter of representation the respondent had complained about excessive noise and that no consideration "would" be given, not "is" given so would suggest that there are currently no problems. CG also brought the Committee's attention to the car parking and stated that this was not relevant as parking in the area was unrestricted.

CG went on to address the point about children and read from the club rules, stating that no children under 5 are allowed in the club after 7.00 pm and none under the age of 12 after 9.30 pm. CG also said that parents were held responsible for the actions of their children and if there were repeated complaints these would be dealt with by the club's committee. CG pointed out that there was no representation from the Police referring to children and pointed out that children cannot access Imberwood Close from the club premises.

On the last point, referring to the state of repair of the club, CG commented that this was irrelevant, but that the front interior of the club had been completely redecorated and there were plans to redecorate the rest of the club both externally and internally.

BB asked that as NL was asking for the conditions of the Public Entertainment Licence to be removed what steps would be in place to ensure that noise did not get out of control.

NL replied that there would always be committee members on the premises and that they would enforce things.

BB asked if that meant they would monitor sound levels and questioned if NL was happy with the responsibility now being with him.

NL replied that this was fine.

BB asked if there was any supervision on the premises for monitoring children.

NL replied that this could be provided.

The committee retired to consider their decision.

On returning NM advised those present that he had advised the committee that CG was right in pointing out that there was very little evidence and that their decision should be based on 'fact not fear'. NM went on to say that there was no evidence that the application sought would have any impact on the residents, also that the respondent did not give any dates or times when referring to the concerns about the children but that the Committee were entitled to accept these but to keep in mind that the objector was not in attendance and there were very few facts to go on. NM also stated that the state of repair for the building was also irrelevant.

BB then read the decision of the Committee to grant the licence with no extra conditions.