

West Wiltshire District Council

Licensing Sub-Committee Hearing

**for the Application for Variation of Premises Licence
of Wesley Road Club, 19/20 Wesley Road, Trowbridge**

- Held on:** Thursday 29 September 2005
- Held in:** Council Chamber, Bradley Road Trowbridge
- Present:** Tony Phillips- sub-chair (TP), Judith Cunliffe-Jones (JCJ), Janet Repton (JR)
- Richard Gardiner – Trustee of Wesley Road Club (RG), Julie Butler – Club Secretary (JB), Mr D W Chisholm – Respondent (DC), Mrs H Chisholm – Respondent (HC)
- Officers:** Policy & Licensing Officer – Maggie Jones (MJ), Nigel Musgrove – Lawyer (NM), Janette Massey – Member Support Officer (JM)

1. Declarations of Interest

There were no declarations of interest.

2. Hearing Procedure

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

3. Application for Determination

MJ read through the summary of the licensee's current license and summarised the requested variation.

The premises currently has the benefit of the following certificate and licence:

- Justices Club Registration Certificate
- Public Entertainment Licence

The premises is currently licensed for:

Sale of Alcohol (on and off sales)

- 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 Licence

- Monday to Friday 0900 – 2300
- Saturday 1200 – 2300
- Sunday 1200 – 2230

The variation applied for is, in summary:

- Extend the hours for the supply of alcohol
 - ◆ Monday – Sunday 1200 to 0200 the following morning
- Regulated Entertainment (Members and Guests)
 - ◆ Films, live music, recorded music, performance of dance, provision of facilities for dancing 1100 to 0200 the following morning.

MJ further stated that representations had been received from:

Mr & Mrs D W Chisholm, 81 Park Street, Trowbridge

MJ also informed the Committee that the applicant proposed to have the following conditions applied to the licence:

- Signage displayed near exits requesting members and guests to respect the needs of the local residents by quietly leaving the premises and car park
- When live or recorded music is played, a member of staff monitors at the club's perimeter fence to manually observe the noise levels whenever it is considered that the music might be a nuisance to neighbours

MJ closed by saying that the issue of concern, which could be considered, was that of late night disturbance.

RG told the Committee that the club had been established in 1894 and had been at that site for over 100 years, saying that it was a Community Centre, managed by volunteers and any profits were plowed back in to benefit the club and the local residents who were members of the club.

RG informed the Committee that a typical week of events at the Club consisted of Bingo on Sundays finishing at 2130 hrs, Whist on Tuesdays for OAP's again finishing at 2130 hrs and on Fridays Ballroom Dancing alternating with Line Dancing which finishes at 2200 hrs. On Saturday's events usually finish before Midnight and very rarely have more than one performer.

RG admitted that there had been a complaint about noise in 2003 when there was a 6-piece band, which was loud, and they had apologised for this. Since then there has been regular monitoring of noise levels, the club are replacing all the windows with double glazed windows (currently only in the main hall but the rest would be done within 2 weeks), RG also pointed out that the building was of sound structure and of a cavity wall construction.

RG further admitted that the fire door was a problem with people trying to open the doors but that there were signs up saying they were not permitted to do this. RG also stated that they were currently trying to fund the installation of an improved air ventilation system, which, it was hoped, would solve the problems in future.

DC commented that the club had a flat roof, which was covered in felt and queried the sound reducing qualities of this.

DG replied that there was a false ceiling and this provided a certain amount of sound proofing.

DC then stated that their experience was that the noise levels get louder as the evening progresses, forcing them to turn the volume of their t.v. up. He also commented that they could not go to bed with these noise levels as they were unable to sleep due to the bass notes and asked if it was possible to reduce these levels.

DG replied that they do monitor the noise levels and regularly walk up and down the front of the property on Park Street and, if it is too noisy, then they ask the entertainer to turn it down. DG also said that sound monitoring equipment had been installed and it was regularly monitored.

HC commented that entertainment regularly went on until Midnight and they had complained on numerous occasions.

JB asked who they had complained too, stating that she was only aware of the one complaint in 2003 and realised that on that occasion it was justified.

DC & HC went on to say that on one occasion the band had made a lot of noise loading up after the event, also that the fire doors were often open during regulated entertainment and asked if they could ensure these were kept shut.

JB replied that they would try to ensure this but pointed out that they could not actually lock them.

JR asked where the main area of activity was, if it was in the club room or on the stage and also enquired if JB would object to a condition being imposed that the fire door was monitored.

JB replied that generally it was the Club room that was used, that the stage only really got used on Saturday nights and that there would be no objection to a condition on monitoring the fire door.

JR then asked what sort of air conditioning they were looking at for the club.

DG replied that they had costed out a proper air conditioning unit but that would cost between £40-50,000 so they were looking at a fresh air system which changed the air every hour pointing out that any system would only be needed for 6-8 weeks of the year and this would cost the club around £15,000. DG said that they hoped to be addressing this soon.

JCJ enquired what the finishing times would be as they were applying for a licence until 0200 hrs.

DG replied that music would be ending at 0100 hrs, even on New Year's Eve, but that alcohol may be carried on until 0200 hrs.

TP queried the part of the Summary Report where it stated that the club sought provision of dance until 0200 hrs.

DG responded that it was a misprint and that, on page 21 of their application it showed 0100 hrs.

DC asked if the club had looked at installing glass tubes to the locks on the fire doors to stop people opening them.

DG felt that these would not be appropriate with children and disabled people using the club.

DC closed by stating that he and his wife did not want entertainment going on so late making them feel as though they have to stay up late as they would be unable to sleep.

TP asked if there were any closing comments from the applicant.

DG replied that he felt they had covered most of the points and pointed out that they were not seeking to make themselves a nuisance, and reiterated his point about the amount of money spent thus far on double glazing.

The Committee then retired to consider their verdict.

On returning NM was invited to inform those present of the legal advice he had given the Committee.

NM replied that he had advised the Committee that any representations received should address at least one of the four licensing objectives, in this case the Prevention of Public Nuisance. He went on to advise that any conditions imposed on the licence must be relevant, proportionate and reasonable, further that any conditions offered by the applicant could be incorporated into the licence.

TP asked for clarification of the times that the applicants currently try to ensure the closure of fire doors and windows.

JB replied that they would normally aim for 2100 – 2130 hrs on an ordinary evening but on function nights try to keep them closed at all times.

TP asked if they would be prepared to accept the condition of the fire doors being kept shut after 2100 hrs when a function was taking place.

JB replied that they would be happy with this.

TP then informed those present that the Committee had agreed to grant the licence with the extra condition that the closure of windows and monitoring the closure of the fire door take place from 2100 hrs onwards, Monday to Sunday when regulated entertainment was taking place.

TP further stated that their advice to Mr. & Mrs Chisholm was to ask them to liaise directly with the club secretary if they had cause to complain about noise levels and further that the Licensing Act 2003 states that a review cannot be sought before 24th November 2005.