



LICENSING SUB-COMMITTEE

MEETING : Wednesday, 26th November 2014

PRESENT : Cllrs. Patel, C. Witts and Gilson

Officers

Steve Isaac, Solicitor

Lisa Jones, Food, Licensing and Markets Manager

Darren Mountford, Senior Licensing & Markets Officer

Alex Mason, Environmental Protection Officer

Tony Wisdom, Democratic Services Officer

Also in Attendance

Wotton Hall Club

George Wakeley, Chairman

Linda Gentry, Designated Premises Supervisor

Local Residents

Matthew Wise,

John Proverbs,

Rebecca Hibbert,

Paula Hudson.

1. ELECTION OF CHAIR

Councillor Chris Witts was appointed Chair for the meeting.

2. INTRODUCTIONS AND PROCEDURES

The Chair welcomed those present and outlined the procedure to be followed. Councillors, Officers and other parties present introduced themselves.

3. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

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4. APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 BY WOTTON HALL CLUB LIMITED TO VARY THE PREMISES LICENCE FOR WOTTON HALL CLUB, 138 BARNWOOD ROAD, GLOUCESTER, GL4 3JS

The Chair advised that a late representation from a local resident, M. Booth had been received and circulated to all parties. He had decided to allow the representation together with a revised plan of the premises submitted by the applicant.

The Senior Licensing and Markets Officer introduced the report which detailed an application by Wotton Hall Club Limited to vary the existing Premises Licence in respect of the Club at 138, Barnwood Road. The variations requested were laid out in Paragraph 3.4 of the Officer's report.

He advised Members that the revised plan excluded the restaurant from the provision of late night refreshment for which a licence was required in order to serve hot food and drink after 23.00 hours.

He outlined the conditions proposed should the Sub-Committee be minded to grant the application. He noted that eight representations had been received from other persons. Environmental Protection had received one complaint on 9 July 2014 and recommended approval subject to conditions. The police had not objected to the application and had received three complaints detailed at Paragraph 4.6 of the report. The Licensing Team had received one telephone call on 14 July 2014 reporting noise and people urinating against the boundary fence.

There were no questions of the Officer from the applicant or other persons.

The Chair asked if other social clubs in the City had adopted these hours and the Officer advised that the hearing concerned the application before the Sub-Committee.

George Wakeley, Wotton Hall Club Chairman, advised that the Club had operated since 1932 and had held various functions providing a focal point for the area. The Club had experienced some difficult times financially and was just beginning to return a small profit. The Club needed to hold functions for viability, With regard to noise, Mr Wakeley stated that the Club had done all that had been asked of it and more. He advised that porches would be built around the fire doors to lessen the escape of noise. He believed that neighbours were not prepared to meet the Club half way and everything that had been requested by Environmental Protection had been done straight away.

Matthew Wise noted that the local Member of Parliament had advised residents to work with the Club but they were not responding or co-operating.

Mr Wakeley stated that no matter what the Club did, residents would not meet them halfway. Mr Wise stated that a solution was required.

Paula Hudson asked if the Club had a number of events in mind and Mr Wakeley advised that, if granted, the extended hours would be used as and when required but not every week.

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Mr Wise noted that the present management had turned the Club around and had had to reinvent the operation.

Councillor Patel asked how many meetings had been held between the Club and local residents in the past two or three years. Mr Wakeley advised that twelve or so meetings had been held.

In answer to a question from the Chair, Mr Wakeley confirmed that the extended hours would not be used every weekend due to the additional expense of staff and other factors.

The Chair enquired about the pedestrian access and was advised that it had been opened about three months ago for the benefit of parents using the Club car park to drop children off on the way to school, When asked if the access could be closed during licensed hours, Mr Wakeley advised a fence and gates would be installed when funds permitted. He clarified the revised plan of the premises.

The Chair asked Mr Wakeley if he had anything to add to the late representation and Mr Wakeley observed that the local resident in support of the variation application lived closer to the Club premises than the other local residents who had made representations.

The Chair asked if the Club considered themselves to be good neighbours and Mr Wakeley believed the Club to be good and considerate neighbours who had invited the neighbours in for discussions.

Matthew Wise expressed concern at the quality of reproduction of some of material and Members confirmed that they had read all the representations.

Mr Wise stated that he was one of the newer residents of Barnwood Avenue and that he did support the Club but understood that noise issues had been ongoing since 2006 although he had not contacted the City Council.

He believed that the noise limitation measures were an ongoing project that had not been tested. There were still concerns relating to noise limitation. The traffic light system was not effective as it required manual operation and concerns remained due to frequency and bass levels.

He noted that the Club was situated in a green leaf area where properties could fetch in the region of £600,000 and he was not aware of any reduction in prices due to proximity of the Club as mentioned in the acoustics report commissioned by the applicant which he believed to be biased.

He stated that licences should only be granted to those who meet the licensing criteria. He stated that the Club had been operated beyond permitted hours and he expressed concern that an extension of hours could be granted for premises which were not run in accordance with the existing licence.

He believed that the proposals would effectively create a nightclub within a residential area with the potential for public disorder. He had submitted a video of

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people urinating in the car park which was overlooked by the bedrooms of his two young daughters. He believed that not many social clubs operated for the hours proposed.

John Proverbs, a retired police officer, stated that he had lived and worked in the area since 1982. He had been aware of the Club when he had purchased his property but problems were now being experienced.

He expressed concern regarding the publicity given to the application and believed that only half of local people were aware of the application to extend permitted hours.

He had not complained formally as he believed that little could be done. He noted that nearly fifty properties would be passed by people arriving at and leaving the premises. He believed that once granted the extension would permit regular late night drinking and the Club had no control over patrons once they had left the premises.

He believed that the granting of extended hours would lower the value of his property. He believed that the City Council imposed a curfew at 23.00hours on the Guildhall and other City centre venues

He noted that he was forced to close his front bedroom windows and while he believed that the noise limiting system was a good idea it was a fairly standard requirement and it would not address the noise and disturbance created by revellers leaving the premises.

He also advised Members that he believed a planning application would be submitted to enable the Club to sell part of the car park.

Rebecca Hibbert stated that the area had changed with more houses being built and the Club had changed. When first opened the ballroom was used for a variety of events but modern entertainment involved booming bass levels.

She questioned that Environmental Protection had only reported receiving one complaint as she had evidence of complaints made by e-mail in respect of 20 September, 27 September and 4 October in addition to that reported in respect of 9 July 2014.

She advised that she had complained to the police who had not been helpful and environmental law clearly stated that complainants should contact their local authority environmental health section. She believed that the Licensing Team notes relating to the telephone call received on 14 July 2014 had not been shared with Environmental Protection.

She referred to paragraph 4.11 of the report which showed that no Temporary Event Notice had been in place on 25 May, 26 July and 29 August 2014.

She stated that she was relieved that the Club did not intend to use the extended hours every weekend but she noted that there were other factors. Barnwood Builders regularly used the car park and caused noise as early as 03.00 hours from

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vehicle engines and mobile phones on loudspeaker. The refuse collection was made every week at 06.00 hours.

She believed that the extended hours would impact on residents affecting a huge number of people including children, disabled people and the elderly.

She supported Wotton Hall as a social club not as a late night venue.

Paula Hudson, a local resident since 2007, had spoken to the Council and the previous owner of her property. The main issues at that time had been car doors closing around 23.00 hours. The Club had operated for Members only and run events such as tea dances. Noise disturbances were few and far between and not unreasonable.

She had complained regarding all night events arranged by a different management committee. She had been advised to liaise with the Club and had started a dialogue. At that time the Club had not been as open with residents. Families including children and infants had been kept awake all night by the noise.

She stated that everything the Club had done to reduce the nuisance was welcomed but noise was still an ongoing issue. She believed that the Club had a responsibility to comply with the conditions on the existing Premises Licence.

She explained that her house had four bedrooms, two at the front and two at the back, and she had to move her son to the back. On the occasions of all-night events they had to leave their home and stay with friends.

She noted that the steps taken by the Club to date were measures that were required to meet the existing licence requirements. She had only recently been made aware of statutory nuisance and noted that the Council did not operate a call out system which would have provided the necessary evidence. She believed that residents were paying a high price for not having complained enough.

Mrs Hudson said that residents were not asking for anything that they were not entitled to under the terms of the existing Licence and they were here this evening in the hope of a common sense decision as the Club's track record of late events was not good.

She noted that the Club could apply for up to twelve Temporary Events Notices each year and if the application was approved they could have up to 104 late evenings, 52 late Sunday nights and a possible twelve Temporary Events Notices.

She asked how an adult could be expected to cope with this level of disturbance three nights running let alone a child. She asked what would warrant the use of the extended hours which appeared to be uncharted territory.

She advised that no local residents had received discounts on property prices due to the proximity of the club premises. She stated that these were not vexatious or frivolous complaints and the effectiveness of the noise attenuation works would not be proven until next summer. She believed that the Club were turning a residential

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area into an area with a nightclub and the existing Licence conditions should be complied with before granting additional hours.

Mr Wakeley stated that he lived 150 yards from the Club and also experienced disturbance but noise did not only come from the Club. He referred to the photographs on Page 58 and 59 of the report illustrating the notices on the perimeter fence and advised that porches would be built over the fire doors and the widow removed.

The Chair asked if all meetings had been conducted fairly. Mrs Hibbert confirmed that they had been but discussions had centred on noise and there had been no discussions on the present application.

Linda Gentry advised that this had been due to the application having been made only one week after the Licensing Team had suggested that an application be made when the Club had exhausted its entitlement to apply for Temporary Events Notices.

The Senior Licensing and Markets Officer advised that the law did not require the local authority to notify nearby residents individually.

Mr Wise believed that there would have been many more representation if people had been aware of the potential to create a nightclub in the area.

The Senior Licensing and Markets Officer advised that the point made about the local thoroughfare was not relevant to the application. He advised the Sub-Committee of the options available to them detailed in Paragraph 2.1 of the report.

Mr Wise noted that the Sub-Committee had heard four different accounts but few people had seen the notice of the application. Residents had made steps to work with the Club but he asked Members not to extend something that was already broken.

Mr Wakeley stated that the Club was not going to be a nightclub. It was a social club and a club for families and each request for an event would be examined carefully. It was the intention to keep Wotton Hall Club as a family, social club.

The Chair thanked all parties for their contribution.

As Members were adjourning, Mrs Hibbert offered up copies of the e-mails of complaint as documentary evidence. Members returned to consider the issue of whether or not they should be admitted.

The Environmental Protection Officer advised that the Council used a system called Uniform to log complaints. Any subsequent complaints on the same issue were logged under the initial complaint as one complaint.

Mrs Hibbert indicated that details of complaints she had made were contained within her representation and was happy for the documents not to be admitted so long as it was accepted that she had made a series of complaints.

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Mr Wakeley indicated that he accepted this.

The Sub-Committee adjourned to consider their decision with the Solicitor in attendance.

Upon the return of the Sub-Committee the Chair read their decision:-

Having considered the application, any relevant representations, the legislative provisions, the Council's Statement of Licensing Policy, the Home Secretary's Guidance, taking into account the licensing objectives and listened carefully to the presentation of the report of the Licensing and Enforcement Officers, the presentations of the parties and the responses to questions, the Sub-Committee has determined the application as follows:-

RESOLVED that the Application to vary the Premises Licence be refused.

Reason

In order to promote the licensing objective to prevent public nuisance due to the unacceptable impact of the hours applied for on local residents, particularly noise and other disturbance as evidenced by complaints made and received.

Time of commencement: 18:15 hours
Time of conclusion: 20:30 hours

Chair