

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
RE-CONVENED LICENSING SUB-COMMITTEE
HELD ON FRIDAY 5 OCTOBER, 2012 AT 10.00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors

Todd, Mrs. D. (Chairman)

Anslow, C.

Dudson, A.

(The meeting was re-convened from the meeting held on 29 June, 2012)

Applicant:

Mr. C. Richardson, Scientific Officer, Cannock Chase Council

Representatives for Licence Holder:

Mr. C. Carter, Club Secretary

Mr. D. Childs, Chair

(A number of Club Members were also in attendance)

Representing the Licensing Authority:

Mr. S. Shilvock, Head of Environmental Health, Cannock Chase Council

Legal Advisor to the Committee:

Mr. S. Turner, Solicitor

Secretary to the Committee:

Mrs. C. Bowker, Senior Committee Officer

Two Members of the Sub-Committee had conducted a site visit at Chase Social Workers Club (The Premises) at 9 am on the morning of the hearing)

5. Apologies and Reconstitution of Membership

The Chairman reported that all Members of the reconvened Sub-Committee were present.

6. Declarations of Interests of Members in Contracts and other Matters and Restriction on Voting by Members

No declarations of interests were declared.

7. Exclusion of the Public

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in paragraph 2, Part 1, Schedule 12A of the Local Government, Act 1972 (as amended).

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PART 2

8. Licensing Act, 2003 – Application for a Review of a Premises Licence – Chase Social Workers Club, 848 Pye Green Road, Hednesford, Staffs

Consideration was given to the Not for Publication Report of the Head of Environment Health (Enclosure 4.1 – 4.50a of the Official Minutes of the Council).

The Chairman explained that the meeting had been adjourned from 29 June, 2012.

The Chairman asked all parties to introduce themselves and to confirm their understanding of the procedure and explained that each party would have an equal amount of time in which to present their case.

The Officer of the Licensing Authority presented the report in respect of this matter and outlined the relevant issues for consideration.

The Licence Holder, the applicant for the review and Members of the Sub-Committee were afforded the opportunity of asking questions of the Officer of the Licensing Authority. There being none the applicant for the review was asked to present the case.

The Scientific Officer gave an update of actions undertaken by the Local Authority and referred to associated correspondence with regard to Chase Social Workers Club. He explained that a further chronology of actions taken since 29 June, 2012 was contained within the report.

It was explained that noise monitoring equipment had been set up at a nearby resident's house and the recording taken on 23 July, 2012 at 23.05 pm and 23.20 pm was played to the Committee.

With the agreement of those present witness statements were circulated at the meeting which had been omitted from the NFP Report of the Head of Environmental Health.

The Licence Holder was then afforded the opportunity of asking questions of the applicant for the review. The Licence Holder asked questions of the applicant for the review.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the applicant for the review. Members asked a number of questions.

The Licence Holder was then given the opportunity to present his case. The applicant for the review for the review was afforded the opportunity to ask questions of clarification of the Licence Holder. Members of the Committee were given the opportunity to ask questions of clarification of the Licence Holder. Members asked a number of questions.

The applicant for the review was afforded the opportunity to ask questions of clarification of the Licence Holder.

The applicant for the review, the Licence Holder and the Officer of the Licensing Authority were given the opportunity to sum up their cases.

Members of the Sub-Committee then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee.

The parties returned to the meeting and the Chairman outlined the decision of the Committee. The Council's Legal Advisor advised the parties that they would be written to within seven working days (or as soon as practicable) confirming the Committee's decision and giving reasons for that decision.

RESOLVED:

- (A) That after hearing the evidence submitted and the representations made and having considered the matters set out in the report of the Head of Environmental Health, the following conditions are to be added to the Club Premises Certificate –
- i. A statement shall be added to the effect that Section 177A of the Licensing Act, 2003 as amended by the Live Music Act, 2012 shall not apply to the Club Premises Certificate.
 - ii. Recorded music, amplified live music and amplified speech are not permitted under the terms of the Club Premises Certificate between the following hours –

23.00 to 11.00 Monday to Sunday

save for an extra hour until midnight on Christmas Eve, Boxing Day and New Years Eve
 - iii. A sound limiting device of a specification approved by the Council's Environmental Health team is to be installed at the Club premises by 31 January, 2013.
- (B) It is recommended that the Club continues with the sound insulation improvement works in the meantime.
- (C) Once the limiter is installed and approved by the Council's Environmental Health Officers, paragraph (A) above will not longer apply.

Reasons for the Decision

- (i) The Committee had regard to the statutory guidance concerning the determination of reviews under the Licensing Act, 2003.
- (ii) The Committee was satisfied that the public nuisance objective had been undermined since it found that the Club had allowed statutory nuisance in the form of amplified music to affect nearby residents.
- (iii) The Committee considered it appropriate and proportionate to impose the above conditions.

CHAIRMAN

(The meeting closed at 12.15 p.m.).