

LICENSING AND GAMBLING ACTS SUB COMMITTEE

Record of Proceedings of a Sub Committee of the Licensing and Gambling Acts Committee of South Norfolk District Council

Held on: **Wednesday 3 April 2019**

At: **2.30 pm**

At: **South Norfolk House, Cygnet Court, Long Stratton**

APPLICATION IN RESPECT OF: Recreation Grounds and Leisure Centre,
Wilderness Lane, Harleston, Norfolk

APPLICATION FOR: Full Variation Application

APPLICANT: Redenhall with Harleston Town Council

Sub Committee members: Cllr D Goldson (Chairman)

Cllr V Bell

Cllr C Gould

Officers in Attendance: The Legal Adviser to the Sub Committee (D Lowens), the Community Protection Team Leader (A Nicholas), the Food, Health and Safety Licensing Team Leader (R Broadbelt) and the Licensing and Enforcement Officer (A Cox)

Speaking at the meeting:

Ms F Bickley and Ms R Riches – On behalf of the Applicants

Prior to the meeting, an additional submission from the Norfolk Constabulary, expanding upon its original representation, was distributed to all parties. This was considered as an addition to the original agenda papers.

A. The Hearing

The Chairman welcomed all attendees and explained the procedure for the meeting. The Licensing and Enforcement Officer informed the Sub Committee of the details of the application which was for a full variation to a premises licence for the Recreation Grounds and Leisure Centre at Wilderness Lane, Harleston.

The Licensing and Enforcement Officer provided the Panel with details of the events which had led to the application and members noted that there had been a representation made by the Planning Authority who had stated no objections but had raised awareness of the restrictions in place to prevent a change in use of the land. It was also noted that both the police and Environmental Protection Team had requested that several conditions be added to the operating schedule, as detailed within the agenda. The Panel acknowledged that an objection had been received from Anchor Hanover on behalf of the residents of Malthouse Court, as detailed at Appendix 9 of the report.

Ms Bickley addressed the Panel and explained that the Harleston Town Council had made the application so that they would have more control over the premises with regards to licensable activities. She clarified that, although the Town Council did not have any specific events in mind, it would like to be able to hold events if and when the need arose.

The Chairman raised various concerns, advising the applicants that although he appreciated that their intent was laudable, he was not convinced that they understood the full implications involved with organising and controlling large licensable events. He clarified that although there was currently no intention to hold significant events, the granting of a license would mean they would have the ability to do so in the future.

In response, the applicant sought to reassure the Panel, advising that she was fully aware of the implications and that if the Town Council was ever to plan such an event, it would follow the proper procedures to ensure it was managed effectively. Ms Bickley confirmed that she fully understood and agreed with the conditions suggested by the police and the Environmental Protection Team and added that the leisure centre committee had agreed that the installation of CCTV was desirable. In response to a member's question regarding the arrangements to be put in place, should the licence be granted, the applicant stressed that the Town Council had a duty of care to users and residents and that it was their intention to employ a premises manager to oversee proceedings to ensure full compliance with all conditions. In relation to a question regarding the protection of children, Ms Bickley confirmed that steps had been put in place to ensure that all staff were trained in the safeguarding of children.

Members discussed noise control and reviewed the comments of the Senior Community Protection Officer at Appendix 7. Following discussion, it was suggested and agreed that, should the variation be granted, the wording in the proposed conditions 1 and 2 on pages 54-55 of the agenda, be replaced with the following:

1. *The Licensee shall submit for approval a Noise Management Plan (NMP) no later than (six weeks from today's date) to South Norfolk Council as the relevant Licensing Authority and shall comply with the requirements of any NMP approved by South Norfolk Council. The NMP will include but is not limited to the following; the appointment of an acoustic consultant, how music noise levels will be managed, communicating to those living in the vicinity who might be affected, how complaints will be taken, investigated and resolved, recording noise complaints made to the organiser.*
2. *The Licensee shall appoint an acoustic consultant who is a member of the Institute of Acoustics (IOA), no later than (eight weeks from today). The acoustic consultant shall carry out a survey to determine the representative background noise levels and determine the maximum level of amplified music / voice at the boundary of the nearest noise-sensitive properties. The acoustic consultant shall provide advice on how noise levels will be set and managed. The information obtained from this survey shall be made available to South Norfolk Council as the relevant Licensing Authority no later than (six weeks from the date of the survey).*

The Panel turned to the conditions sought in the representation by Norfolk Constabulary and the Town Council agreed that these would be offered, as stated in Appendix 6 of the agenda. Members then considered each of the conditions listed on the Operating Schedule of the existing Premises Licence, as detailed on pages 42-44 of the agenda papers, and it was agreed by all parties that these should all be removed and replaced with the following offered conditions, in addition to the above conditions around the requirements for a noise management plan together with those offered conditions not otherwise mentioned which are contained in the application form.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

CCTV is installed at the premises. CCTV will cover part of the inside of the premises and footage will be available to the Police and the licensing authority, on request.

There will be a designated member of staff to assist disabled people in the case of emergency.

Staff will be aware not to serve alcohol to customers who are intoxicated or to those under 18 years of age and of the 'No ID No Sale' policy. They will operate a 'Challenge 25 policy'.

There is a dispersal policy for people to leave by the entrances and fire exits.

Customers will be made aware to restrict the level of noise when leaving, and respect neighbours in the vicinity of the premises.

No patrons will be permitted to leave the premises with open vessels of alcohol.

A representative of the premises licence holder will always be on duty when customers are on the premises.

Notices will be displayed regarding such things as under-age drinking, dress code, drugs policy and CCTV.

Toilets will be regularly checked and maintained to a clean and safe standard.

There will be a zero-tolerance drug policy.

There will be an opening and closing procedure for the premises with inspections made to ensure that customers and staff are safe.

The premises will not participate in price reduction promotions likely to cause a nuisance or disturbance.

Notices regarding emergency procedures will be in-situ and all staff will be trained.

First aid equipment is available at the reception desk and in the social club bar.

At least one first aider will be on duty at any one time.

People attending events will be informed prior to the use of any special effects.

Clear lighting will be on while the public are on site.

During licensable activities, the outside areas will be monitored to ensure that they are safe and kept clear of any problems.

Adequate receptacles will be provided to store refuse from the premises.

Management and staff will ensure they are aware of any children on the premises.

Children will be supervised by an adult.

When adult entertainment is taking place, no children will be allowed on the relevant part of the premises.

Staff involved in direct alcohol sales will receive training in relation to the Licensing Act 2003. Records will be kept and available to Police or Licensing Authority on request.

Norfolk Constabulary will be notified in writing at least 28 days prior of any event which is expected to attract over 500 attendees at any one time. An event management plan will be in place.

At least 21 days prior to the intended date of any boxing entertainment a written health and safety risk assessment in respect of the boxing entertainment must be submitted by the premises licence holder to the Licensing Authority. The risk assessment for the boxing entertainment including any control measures to be implemented must be approved in writing by Environmental Services. If Environmental Services do not approve the boxing entertainment risk assessment the premises licence holder will ensure that the boxing entertainment does not take place. If the boxing entertainment risk assessment is approved by Environmental Services, the premises licence holder will ensure that the boxing entertainment takes place in full compliance with the requirements and prohibitions specified in the boxing entertainment risk assessment.

After all parties had given a brief summary, the Sub Committee then adjourned to determine the application in private session.

B. Findings of fact

The application is for a full variation to a premises licence for the Recreation Grounds and Leisure Centre at Wilderness Lane, Harleston.

In considering the application, the Sub Committee had regard to the guidance issued by the Secretary of State and to South Norfolk Council's Statement of Licensing Policy in assisting them in their role of promoting the four licensing objectives, as set out in the Licensing Act 2003.

The Panel has heard that the Planning Authority has raised no concerns and that both the police and environmental services had requested that several conditions be added to the licence, if granted.

The Panel has needed to consider whether this application is appropriate under the licensing objectives. The rule is to grant unless there are cogent and evidence-based reasons to refuse. The Panel needs to consider whether it is appropriate for the promotion of the licensing objectives for any condition of the licence to be modified or for the variation to be rejected in whole or in part.

C. Decision and reasons

The decision of the Committee is to approve this application.

The suggestions by the Norfolk Constabulary are agreed.

The suggestions by the Environmental Protection Team to control noise nuisance are agreed.

Members appreciate the retention of a number of conditions which support the licensing objectives.

The Panel has considered whether there are evidence-based reasons which support refusal and believe there are none.

Therefore, the application is granted as sought with amended conditions, as stated in Part A of this Notice, noting that the noise management plan, which must be agreed and followed, should deal with noise concerns.

D. Right of Party to appeal against the determination of the authority

Applicants and any person who has submitted a relevant representation who is aggrieved by the decision or the imposition of any term or condition or restriction, have a right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision. Full rights of appeal are set out in Schedule 5 of the Licensing Act 2003.

Dated: 9 April 2019

A handwritten signature in black ink, appearing to read 'D Goldson', is written over a horizontal line.

Signed:
Councillor D Goldson – Chairman