
DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

28 MARCH 2012

Present –

MEMBERS:

Councillors Lawson (Chairman), Hearn and Taylor.

OFFICERS:

M Brookes	Solicitor
L Crowley	Solicitor
R Mabbitt	Licensing Enforcement Officer
L Stone	Member Support Officer
S Taylor	Senior Assistant Licensing Officer

Alison King, Environmental Health Officer attended as an observer

Other Persons Present:

Mr G Selfe	Licensee (Berkhamsted Sports (Cricket) Club)
Mr P Buckley	Member of Berkhamsted Sports (Cricket) Club
Mr M Adams	Interested Party

2 local residents were also in attendance

The meeting began at 2.30 pm

1. INTRODUCTIONS

The Chairman introduced himself, the Councillors on the Sub-Committee and the officers present. The Chairman then asked the other persons present to introduce themselves.

2. MINUTES

The Minutes of the meeting held on 26 January 2012 were agreed by the Members present and then signed by the Chairman

3. APOLOGIES FOR ABSENCE

There were no apologies for absence.

4. DECLARATIONS OF INTERESTS

No interests were declared. Councillors Lawson and Taylor confirmed that they knew the premises and had visited in the past but were not regulars. Councillors Lawson, Hearn and Taylor all confirmed that the premises were not in their ward.

5. LICENCE HEARINGS

The application was for:

Berkhamsted Sports (Cricket) Club
Kitcheners Field
Castle Hill
Berkhamsted
Hertfordshire
HP4 1HE

The Chairman asked if there were any additional documents to be submitted to the Sub-Committee. Mrs Taylor said that 2 submissions from local residents had been received the previous day. The Chairman asked Mr Selfe if he had any objection to these late submissions being considered. Mr Selfe confirmed that he was happy for them to be considered and also confirmed that he had copies of the late submissions. Mr Adams was provided with copies of the late submissions.

The Chairman asked the Members of the Sub-Committee if they had read the Agenda and all additional documents. Councillors Hearn and Taylor confirmed they had read the documents at hand.

The Chairman asked whether all legal obligations had been complied with. Mrs Taylor confirmed that they had.

The Chairman asked the parties for how long they wished to speak. Mr Selfe said he would like to speak for a few minutes. Mr Buckley said he had wanted to speak, but was happy for Mr Selfe to speak on his behalf. Mr Adams indicated that he would like to speak for ten minutes. This was agreed. Mr Adams added that the procedure had made it difficult for residents and that most residents had not known about the application which was why only one letter of objection had been received.

The Chairman asked Mr Selfe, the Applicant, for his statement.

Mr Selfe said that as he had not included the end times for live music in section E of the application for the three non standard times listed, he would therefore withdraw this aspect of the application. All other parts of the application relating to live music would remain. Any live music for Christmas Eve, New Year's Eve Eve and New Year's Eve would be dealt with by a Temporary Event Notice.

Mr Selfe said that due to the inflexibility of the application process, he had thought that residents might get the wrong idea. The word 'social' had been taken out of the name of the premises as it was primarily a sports club. The club did not open to the public, but only opened for specific reasons. Over the last three months, the club had been shut on 42 evenings, and had held 38 private events of which three had included recorded music.

Mr Selfe said that the club did not want to become a nightclub and that he had always tried to maintain a good relationship with the residents of Castle Hill who had used the club on a few occasions. He said that the application had not been submitted in order to open to the public seven nights per week, but to give flexibility for events. He said there had been a recent addition to the regular events in that a singing group had started meeting for an hour on Friday mornings, the licence was needed to cover that.

Mr Selfe said the club did not want to increase what it had been doing in the last few years. There would be two large charity music events and a firework event. Mr Selfe said that the club needed to raise funds to survive. He said that one objection stated that they acknowledged the need for fundraising but loathed to see regular socialising. Mr Selfe said the club would not be doing that. He said that they tried to limit playing music and serving alcohol to midnight at private events.

Councillor Lawson referred to the music currently permitted in the licence in a marquee on the patio and asked if it was for live or recorded music. Mr Selfe said it was for recorded music, and had been a part of the existing Club Premises Certificate licence, but it had not been used since he had been at the club.

Councillor Lawson asked about soundproofing in the clubhouse. Mr Selfe said music was played at the back of the clubhouse which only had very small windows which were kept shut when music was played. He said this room faced away from the nearby residents.

Councillor Lawson asked about the advisory note suggested in the response from the Environmental Health Officer on page 34 of the agenda which stated '*The applicants must contact Environmental Health at least 14 days prior to an event taking place so that a suitably timed appointment can be arranged for an Officer from Environmental Health to visit the site to set boundary noise levels prior to an events commencement.*' Mr Selfe said the Environmental Health Officer had visited the club a month ago to carry out sound checks for the events. He said they had asked her to return on the day of the events to set the sound levels. Mr Selfe was happy with this advisory note.

The Chairman asked Mr Adams for his statement.

Mr Adams began his statement by saying that his objection was on the grounds of Public Nuisance. He asked the Sub-Committee not to take the level of objection as representation of the feeling of residents as the statutory notice had not made everyone aware. Mr Adams added that there was an active Residents' Association which had been set up 30 years previously as a result of the change of use of the land from agriculture to sports use. He said that this application should have been sent to the Residents' Association.

Mr Adams said that he was very pleased to hear what Mr Selfe had said. Three events per year would not be a problem. Mr Adams said he did not want to see the establishment regularising the permitted hours to seven nights per week. He said that he had talked to a few neighbours the previous day who had felt the same way. One neighbour had told Mr Adams that he had missed the application and therefore not raised an objection; he agreed that Mr Selfe was a reasonable man, but the previous manager had not been and this licence was for the premises not Mr Selfe.

Mr Adams said that Mr Selfe had said that he had no intention of making use of all the hours in the application. Mr Adams asked why therefore the licence had to grant those hours if they would not be needed. He said that it was a residential area and that the nearest residence was closer than the 300 yards stated in the report. He said that all residents recognised the needs to raise funds through events but, together with his wife, thought that a more reasonable finish time would be 10pm, to allow dispersal to finish by 10.30pm. Mr Adams said that dispersal was an issue as well as the event itself.

Mr Adams said that although Mr Selfe was careful and meticulous, the licence was for the premises. He added that there was no lack of other amenity in the town with the number of other licenced premises.

Mr Adams said that parking was an issue on Castle Hill, it was not a full width road and there were always people who disregarded the advice to park at the station which caused problems. Mr Adams asked that restrictions on parking for events be added.

Mrs Taylor advised that parking issues were not something that the Sub-Committee could consider as part of the licence.

Councillor Taylor said that the Sub-Committee's role was not to judge the previous manager of the club. He said that the club already had a licence and that this application sought to vary it. It would provide the facility for flexibility, the club would not be obliged to open all the times listed. Councillor Taylor added that there was no record of the club being a public nuisance. He said that he could not see how a 10pm finish would be fair to impose on the club.

Councillor Hearn asked whether it was possible to clarify the distance from the club to the nearest neighbour. Councillor Lawson said he thought it was about 300 yards, but added that there was no way to prove it at this stage.

Councillor Hearn asked Mr Adams if he had had reason to complain about the club in the recent past. Mr Adams said he had not but that he had heard that there had been problems before Mr Selfe took over.

Councillor Lawson said that the Sub-Committee could not make decisions on a 'what if' basis. If problems came about in the future, a review of the licence could be requested.

The Chairman asked all the interested parties in turn if they had anything else they wanted to add.

Mr Selfe said they had applied for seven days per week as they wanted to market the club for funerals which could be on any day of the week. He said he was unaware of any complaints since he took over apart from in the very early days where the club had a poor reputation from the previous management. He said it took a little time to lose that reputation. Mr Selfe said he accepted that it was a quiet area and that they were talking to the station in order for them to free up their car parks for events which would alleviate some of the parking issues. Mr Selfe said the club were aware of the traffic and parking issues.

Councillor Lawson asked about marshalling for major events. Mr Selfe said he had had discussions with the Chair of the Residents' Association who had concluded that for only a few events per year it was not necessary. Mr Selfe said he would be happy to hold those discussions again.

Mr Buckley said that the Berkhamsted Lions were very supportive on marshalling and they recommended no parking on Castle Hill at all.

Mr Adams said that a lot of the discussion had been beside the point. He said that the issue was the establishment of the principle of opening 365 days per year. The premises would have the facility for this and although Mr Selfe might not open 365 days per year, someone else would be able to. Mr Adams said that there must be a way to give Mr Selfe the flexibility he needed without establishing this principle.

Councillor Taylor said that this application was based on the current situation and that the Sub-Committee needed to ensure that the club was run within the four licensing objectives. There was no evidence of any issues within those objectives. Councillor Taylor said that if the club broke the terms of their licence, a review of the licence could be requested and the Sub-Committee would have the power to rescind the licence if necessary. Councillor Taylor

asked if the Lions fetes were in addition to the three main events per year. Mr Buckley confirmed that they were in addition and that no alcohol was served at the fetes.

Councillor Lawson said he was content that the four licensing objectives had been covered. He said the major events were ticketed and that he was happy that the stewarding had been taken care of. With regard to the prevention of public nuisance, residents would be advised of the three major events and the Environmental Health Officer would be contacted to arrange a site visit to set the noise levels. All outside events would finish by 9pm. On that basis, Councillor Lawson said he could see no reason not to approve the licence with the additional advisory notice.

The Sub-Committee agreed and Councillor Lawson said that the licence was granted and that the Sub-Committee gave their trust that the licensee would behave in an appropriate way. If any complaints were received subsequently, they would be dealt with seriously.

Agreed:

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to the guidance issued under Section 182 of the Licensing Act 2003 , Dacorum Borough Council's own Licensing Policy and the four Licensing Objectives of the Licensing Act 2003 and having taken into account all oral and written representations, and for the reasons indicated above, , unanimously agree to grant the premises licence as set out below.

Hours Premises open to the public

Day	Proposed hours
Monday	11:00 – 23:30
Tuesday	11:00 – 23:30
Wednesday	11:00 – 00:00
Thursday	11:00 – 00:30
Friday	11:00 – 01:00
Saturday	11:00 – 01:30
Sunday	11:00 – 23:30

Non standard timings:

Either:

Christmas Eve; or
New Year's Eve (30th December);
or New Year's Eve :

Up to 01:30 hours

(Only one of the above will occur in any one year)

Supply of Alcohol

For consumption on the premises.

Day	Proposed Hours
Monday	11:00 – 23:00
Tuesday	11:00 – 23:00
Wednesday	11:00 – 23:30
Thursday	11:00 – 23:30
Friday	11:00 – 00:30
Saturday	11:00 – 01:00
Sunday	11:00 – 23:00

One Sunday in June each year for sale of alcohol at opera/jazz/classical event until 22:00 hours.

One Saturday in September each year for sale of alcohol at music event until 22:00 hours.

One Saturday evening in November each year for sale of alcohol at fireworks event until 21:00 hours.

Non standard timings:

Christmas Eve, New Year's Eve (30th December) and New Year's Eve, and Bank Holidays: up to 01:00 hours.

Live Music

Both indoors and outdoors

Day	Proposed hours
Thursday	19:00 – 23:00
Friday	10:00 – 12:00 and 19:00 – 00:30
Saturday	19:00 – 01:00
Sunday	15:00 – 21:30

A singing society meets for an hour most Friday mornings (Group of approximately 17-20 persons) – music is unamplified.

One Sunday in June for outdoor Opera/Jazz/Classical music event starting early afternoon and ending at 21:00 hours.

One Saturday in September for outdoor music festival starting at 12:00 hours and ending at 21:00 hours.

Non standard timings:

None.

Recorded Music

Both indoors and outdoors

Day	Existing hours
Thursday	19:00 – 00:00
Friday	19:00 – 00:30
Saturday	19:00 – 01:00
Sunday	19:00 – 23:00

Recorded music may take place in a temporary marquee sited on the decking and linked to the club house for a maximum of four occasions per annum. The marquee will be removed after each event.

Non standard timings:

Either:

Christmas Eve; or
New Year's Eve Eve (30th December); or
New Year's Eve

Until 01:00 hours

(Only one of the above will occur in any one year)

Provision of facilities for dancing

Indoors only

Day	Existing hours
Thursday	19:00 – 00:00
Friday	19:00 – 00:30
Saturday	19:00 – 01:00
Sunday	19:00 – 23:00

Non standard timings:

Either

Christmas Eve; or
New Year's Eve Eve (30th December); or
New Year's Eve

Until 01:00 hours

The following advisory notice will be added to the licence:

The applicants must contact Environmental Health at least 14 days prior to an event taking place so that a suitably timed appointment can be arranged for an Officer from Environmental Health to visit the site to set boundary noise levels prior to an events commencement

The meeting finished at 3.07 pm