

THE MINUTES OF THE MEETING OF THE

LICENSING SUB-COMMITTEE

HELD ON FRIDAY 12 SEPTEMBER 2008

Present: Councillor E. Bell (Chair)
Councillors B. Burn and A. Collinson

M Bell – Licensing Officer
R Matharu – Legal Advisor to District of Easington
K Tomlinson – College representative
A J Kelly – College representative
B McLeish – College representative

1. **APPLICATION FOR NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 EAST DURHAM COLLEGE BUILDING, WILLERBY GROVE, PETERLEE**

Consideration was given to the report of the Environmental Health and Licensing Manager which gave details of an application for a Premises Licence under Section 17 of the Licensing Act 2003, a copy of which had been circulated.

M Bell, Licensing Officer reported that the applicants had requested the following licensable activities:

Plays, indoor and outdoor, Monday to Saturday 09.00 to 23.00, Sunday 09.00 to 22.30;
Films, indoor, Monday to Saturday 09.00 to 23.00, Sunday 09.00 to 22.00;
Indoor sporting events, Monday to Sunday 08.00 to 22.00;
Boxing/wrestling, indoor, Monday to Sunday 08.00 to 22.00;
Live music, indoor and outdoor, Monday to Saturday 08.00 to 23.00, Sunday 08.00 to 22.00;
Recorded music, indoor and outdoor, Monday to Saturday 09.00 to 23.00, Sunday 10.00 to 22.00;
Performance of dance, indoor and outdoor, Monday to Saturday 09.00 to 23.00, Sunday 10.00 to 22.00;
Provision of facilities for making music, indoor, Monday to Sunday 09.00 to 22.00;
Provision of facilities for dancing, indoor and outdoor, Monday to Sunday 09.00 to 23.00;
Supply of alcohol for consumption on the premises, Monday to Saturday 10.00 to 23.00, Sunday 11.00 to 22.30

A copy of the completed application was attached as Appendix 1 to the report.

The Licensing Officer reported that relevant representations had been received from local residents and Environmental Health regarding the licensing objective of prevention of public nuisance.

Local residents had expressed their opposition to the application with regard to the use of the grounds for entertainment and potential noise nuisance. They also cited that previous events in the grounds had caused nuisance.

Environmental Health's representations recommended that a condition be attached to the licence that no amplified public entertainment should take place in the grounds of the premises.

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No specific measures were offered by the applicant in respect of noise within the public nuisance section of the Operating Schedule to the application.

Copies of all representations were attached at Appendix 2, and the relevant extracts of the Council's Licensing Policy and Guidance of the Secretary of State were attached at Appendices 3 and 4.

Mr A J Kelly, college representative stated that he had read all the representations submitted by residents and appreciated their concerns following the weekend event held 26-28 June 2008. He acknowledged that one of the evening events had ran over time which was due to extended speeches during the presentation of awards to students. He continued that the college did not intend to hold many outdoor events and would be prepared to adhere to any limit in number and/or time restrictions felt necessary. The college had liaised with the Police who considered that the proposals would help to resolve public disorder around other areas of Peterlee.

In terms of security staff on site during events, he advised that the minimum requirements for security staff would be exceeded at 1 per 12½ people, and this level would be maintained for every event held. In relation to residents' concerns about building noise he advised that this would cease shortly. The applicants were prepared to install noise limiting devices as required. He concluded that it was proposed that some events would be community events for local residents and families, and the college wanted to be able to hold these outside if desired. The college would work with local residents to ensure that any disturbance was kept to a minimum.

A local resident asked why a limit on the number of events had not been included within the application and A J Kelly responded that this was because to date an exact number had not yet been determined.

Mr. Local, resident explained that local residents' protests were focused on two issues - noise nuisance and the supply of alcohol. In terms of noise he agreed with the Environmental Health Officer that there should not be any amplified noise in the college grounds and he considered that the application should be amended to reflect this. He advised that he did not intend to go into detail about the effects on residents of noise at the weekend event in June as the concerns were included in the papers circulated. He also asked the college to consider trying to moderate the language of both spectators and competitors at outside sport events.

With regard to the supply of alcohol he questioned why a further education college would need licensing hours which he believed were in excess of some local public houses in the area, especially when many of the students were under age. He felt that the supply of alcohol should be limited to before and interval drinks at theatre shows. He felt that the hours specified could result in anti-social behaviour problems. In view of the problems experienced in June he questioned the college's ability and experience to run such events. As already stated, in June one event ran over the time limit, the noise was excessive, there was anti-social behaviour and the named persons on the licence were not on site all of the time.

In response, Mr. Kelly explained that the licensing hours requested on the application was to allow flexibility. He would look at trying to control language at

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sports events where possible. With regard to on-site presence at the events in June, he advised that he was on the premises for every event at all times.

Mr. Armstrong, resident, explained that he supported the Environmental Health Officer's findings and asked if relevant legislation had been fully complied with. He outlined the relevant Acts and European Guidance documents he considered to be appropriate to the application.

S. Craig, Environmental Health Officer, stated that the relevant legislation for any enforcement action would be Section 70 of the Environmental Protection Act 1990.

At this point, R. Matharu, legal advisor, reminded everyone present that this was not a court of law and stated that this application had been made under the Licensing Act 2003. The Licensing Sub-Committee could only consider the application within the provisions of this legislation and the Council's own Licensing Policy and Guidance by Parliament. The legislation referred to by Mr. Armstrong did not fall within the remit of the Sub-Committee.

Mr Armstrong concluded with two points; he was concerned that alcohol was to be sold in an educational establishment which may encourage young people to drink, and that residents had the right to a peaceful existence.

Ms McLeish, college representative responded to both Mr Local's and Mr. Armstrong's comments in relation to anti-social behaviour and encouraging young people to drink alcohol. She stated that the college had arranged for adequate security at the events in June and would continue to do so in future to deter anti-social behaviour. The college would adhere to licensing laws around serving alcohol and added that not all the events to be arranged would be aimed at young people. The primary function of the college was local education but there would be events to celebrate students achievements, open days and community events. It was not the intention of the college to turn the premises into an events venue, reiterating Mr Kelly's comments that the college would be happy to have a limit on the number of events to be held. The licensing hours requested allowed flexibility because some events may be all day functions.

Other comments and questions were raised by residents in attendance who were opposed to the application:-

- The properties near to the college were occupied by families with young children who had the basic human right to live peacefully in their own homes. Some people in the area were also shiftworkers;
- At the June event there were groups of youths from around 11.45pm onwards causing terrible noise in the vicinity and once an event had finished residents believed that any resulting anti-social behaviour became their problem, not the college's;
- Had there been any arrests following the event in June and who would police the area at future events.

In response, Ms McLeish advised that the college employed registered security and the Police had confirmed that they would support the college at future events. She reassured residents that the college took security very seriously. S. Craig, asked why noise had not been a consideration when organising the event in June, for example, had a boundary check for potential noise nuisance

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been carried out. Ms McLeish advised that external advice had not been taken but their own internal advisors had been consulted in relation to noise levels. She stated that they would liaise with external consultants in future and reiterated that noise limiters would be installed as required.

Mr Local referred to the Council's Licensing Policy and how it differed from a neighbouring Authority in the County in relation to carrying out specific noise assessments. R Matharu explained that Mr. Local had referred to the policy of a different Council and the District of Easington had adopted its own Policy within the requirements of the Licensing Act 2003 and Guidance from Parliament. An application for a Temporary Events Notice did not need to be supported by extraneous evidence.

A Member of the Sub-Committee asked if the college had its own complaints procedure and it was noted that written complaints were responded to within 7-10 working days. One verbal and no written complaints had been received by the college with regard to the event in June 2008, although a letter had been sent to local residents advising them to direct any concerns to the District Council. M Bell confirmed that several verbal complaints had been received together with a number of e-mails.

At this point Members of the Sub-Committee retired from the meeting to deliberate the application in private in accordance with 14.2 of the Licensing Hearing Regulations.

On their return the Chair explained that having listened to the college representatives and local residents, Members noted that the opposition focused on matters of public nuisance, potential crime and disorder, and need. The question was put about why a college being an education establishment needed an alcohol licence.

The Sub-committee were advised that as a Licensing Sub-Committee it must consider the Licensing Act 2003, the Council's own policy and Guidance issued by Parliament and must apply the four licensing objectives to the application. The application must be considered on its own merits and need was not a matter for the Sub-Committee.

The Sub-Committee **RESOLVED** that the application be granted with the following modifications:-

All licensable activities outlined in the application be authorised, including the supply of alcohol as follows:-

Alcohol to be sold inside the premises only for the hours Monday to Friday 10.00 a.m. to 10.00 p.m;

Alcohol not to be consumed or sold at all outside the premises;

Alcohol not to be sold at all on Saturday and Sunday - the college is an educational establishment, however other licensable activities are authorised.

In relation to noise from the premises the following matters in the EHO's report be accepted:-

All forms of entertainment that involve amplified sound should be controlled through a noise limiting device or noise limiting device(s), if more than one venue within the college is used. Such device(s) should be fitted by a

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competent sound engineer and the noise limit agreed with Environmental Health;

Windows must be kept closed in the room(s) when public entertainment is taking place. The applicant must therefore make the appropriate risk assessment under the Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 6.1 ventilation "effective and suitable provision shall be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air".

JE/CB com/licensing/080900
17 September 2008