

LICENSING PANEL SUB-COMMITTEES

TUESDAY, 9 MAY 2017

PRESENT: Councillors Jesse Grey, Derek Sharp and John Bowden

Officers: Steve Smith, Wendy Binmore and Roxana Khakinia

APPOINTMENT OF CHAIRMAN

RESOLVED UNANIMOUSLY: That Cllr Grey be appointed Chairman for the duration of the meeting.

APOLOGIES FOR ABSENCE

None.

DECLARATIONS OF INTEREST

None.

CONSIDERATION OF APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003

Licensing Officer's case

Steve Smith, Licensing Officer explained that the application for a variation of licence was for the Odney club which was owned by the John Lewis Partnership (JPL). The application sought to approve alterations to the filed plan for Lullebrook Manor. The alterations related to what was the function room being changed into a bar area with a link into what was the games room; that would now be an extension to the bar. The current issued premises licence was for:

- Sale of alcohol (on or off premises) – Monday to Sunday 10am to 12am
- Late night refreshment (indoors) – Monday to Sunday 11pm to 12.30am
- Recorded music (indoors) – Monday to Sunday 10am to 12am
- Live music (indoors / outdoors) – Monday to Sunday 10am to 12am
- Plays (indoors / outdoors) – Monday to Sunday 11am to 10pm
- Films (indoors / outdoors) – Monday to Sunday 10am to 12am
- Performance of dance (indoors) – Monday to Sunday 10am to 12am
- Provision for making music (indoors) – Monday to Sunday 10am to 12am
- Provision for dancing (indoors) – Monday to Sunday 10am to 12am

The current issued premises licence allowed under "season variations" for the above permissions to be extended from the 1 November to 31 December, for the sale of alcohol and regulated entertainment Monday to Sunday till 1am the following day, and for late night refreshment Monday to Sunday till 1.30am the following morning. The application is to extend the current issued premises licence to reflect the "season variations" for all activities and times throughout the whole year, and not just from 1 November to 31 December. The Licensing Officer added that all existing conditions would remain unchanged and were listed on page 37 of the agenda pack.

The Licensing Officer stated that the site was acquired by JPL in 1926 and the site was open to members and public. The Odney Club was part hotel, conferences and weddings and they had applied for TEN's which had not been the subject of any complaints. There had been no representations made from the Police, Fire Authority, Child Protection Agency or

Environmental Health. However, Environment Protection Officers had made recommendations which were agreed with the applicant and could be found on page 47 of the agenda pack.

The Licensing Officer explained that there had been no objections from Ward Councillors but several objections had been received from local residents which were included in the agenda pack pages 51, 53, 55 and 56. The main issue had been noise disturbance. He also directed the Panel's attention to the Royal Borough's own Policy which were on pages 9 – 12 of the agenda pack.

Members questions to the Licensing

After being asked to pin point all of the buildings which would be covered by the licence, the Licensing Officer showed where all the buildings were located on an A3 map which had been circulated to the Panel.

Applicant's case

Mr Jon Wallsgrove, solicitor acting on behalf of the John Lewis Partnership (JPL) explained that the application was in two parts. The first part was not controversial as it related to structural alterations at the Manor House to move the bar. He stated that at current, there was a room by the gents toilets listed as the Games Room and there was also a bar area. The alterations joined two rooms which created a walkway area. The bar was turned round to face the other way. There was no increase in size of the area and that part of the application was very straightforward. The second part of the application was to extend the hours all year round instead of just the two months over the Christmas period.

Mr Wallsgrove clarified that although they were applying to extend the hours 365 days per year, it did not mean that they were going to hold events and utilise the extra hours 365 days per year. The licence would allow functions but there were restrictions on who they could serve alcohol at times. The premises were not open to the general public and the additional hours would not be for the general public. It would only be for certain members such as retired John Lewis staff.

At present, the Odney had to apply for Temporary Event Notices (TENs); they had already had two and there were two more planned for later in the year. Most functions took place around the Christmas period and granting the variation to the licence was an advantage to residents as certain restrictions did not apply to TENs in the same way that they did to the licence such as noise limiters. By allowing the variation to the licence, it cut down on costs for the council as there would be less administration involved than there was at present when issuing the TENs. The Odney Club could apply for 15 event licences per year which would take a lot of time in administration to issue. Mr Wallsgrove explained that no TENs had ever been objected to and when TENs are applied for, the Club did not need to put up notices. By granting the variation, every time the premises are used till 1am, the restrictions of the licence will need to be followed.

Mr Wallsgrove stated the protection of residents was given weight by the government, it allowed the council to apply a light touch to responsible owners when they applied for licences. The Odney Club had been operating till 1am in November and December for five years, TENs had been applied for and obtained and no complaints had been received by the council. On the basis of evidence, trading till 1am in the past should provide the Panel with confidence in allowing the variation to the licence.

Objectors case

The objectors stated they were concerned if the Odney Club were successful in obtaining the variation to licence, there will be events much more regularly. The buildings holding functions were very close to their properties. If JPL got their variation to licence, there would be many

more functions. The objectors felt that 15 TENs per year was a good compromise between what they had now and what they wanted.

The objectors said they felt the application was misleading because the application related to all the buildings, not just the drawing attached of the Manor house. To anyone that did not know what went on there, they would be happy to have the functions just at the manor. Other functions that had been held at the other buildings had been very loud. One of the objectors had attended some functions at the Odney, he said it was not so much the noise of the music but the vibration of the bass; he added that it was also the noise of people returning to their cars and slamming doors with loud conversations across the car park. being a good neighbour was about allowing a certain amount of noise to a certain level. His own view was that if the licence was approved, the neighbours would not be happy.

The objectors explained they experienced light pollution and if the windows did no have blinds or curtains, the residents would have fairy light reflections all over their houses. They wanted clarification on how the Odney Club were going to control the noise. They stated that because they were so close to the Sir Bernard Miller Centre, the biggest problem was people leaving the list. The music was a bit loud and they did complain; sometimes, they could hear people at 1.30am on their way to St George's. if the Club were going to serve food and drink till 1.30am, when will people eventually start heading to the hotel or their cars.

The meeting, which began at 1.00 pm, finished at 2.30 pm

CHAIRMAN.....

DATE.....