

## **Licensing Sub-Committee – 10 April 2015**

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Minutes of the meeting of the **Licensing Sub-Committee** held on **10 April 2015**  
when there were present:-

Cllr T G Cutmore  
Cllr N J Hookway

Cllr D J Sperring

### **OFFICERS PRESENT**

A Smith - Monitoring Officer, Castle Point Borough Council  
J Fowler - Licensing Officer  
S Worthington - Committee Administrator

### **ALSO PRESENT**

S Greener - Essex Police  
I Chapman - Environmental Protection Unit

### **12 APPOINTMENT OF CHAIRMAN**

Cllr T G Cutmore was appointed Chairman of the Sub-Committee.

### **13 PROCEDURE FOR LICENSING HEARING**

The Sub-Committee noted the procedure to be followed in hearing the review.

### **14 LICENSING APPLICATION**

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003. The application related to premises known as Hockley Community Centre, Westminster Drive, Hockley, SS5 4XD. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from various interested parties.

The applicants stressed that the purpose of applying for the premises licence was in order to ensure that the premises was operating more in line with the current licensing legislation. There was no intention to alter the nature of the business, but simply to operate under a premises licence in accordance with the Licensing Act 2003 rather than under the existing premises club certificate.

In response to questions the following points were noted:-

- Although it was intended to hold live music events at the community centre, there was no intention to turn the community centre into a music venue. The premises club certificate currently held by the community centre already permits the centre to open the club 6 days per week until midnight and could hold music events during these hours, if it so wished.

- It was anticipated that one live music event per fortnight would be held, and such events would finish at 11.30 pm. Those running the events would hire the hall, in the same way as any other hirers. In addition, the hall would continue to be hired out for a range of community uses, including yoga, Weightwatchers and children's judo classes, as well as occasional birthday parties. The Community Association was all too conscious of the hall's location in a residential area and did not want activities at the hall to impact on neighbouring residents.
- Touchline, a business that runs live music events, would indeed run such events at the community centre, but was a completely separate organisation from the Community Association. The kind of live music events that were planned were not aimed at young people, but rather at older customers.
- The Community Association is responsible for deciding how many such live music events should take place at the community centre and did not wish to hold more than one per fortnight. However, under the current club premises certificate the centre can, in theory, run live music events 6 times per week until midnight. The Community Association, however, is run by a committee, which is mindful of the community and of neighbouring residents and has therefore decided to restrict the number of such events. The community centre's club premises certificate does permit licensable activities up to midnight; applications have been made occasionally for temporary event notices for events held by non-members.
- If the premises licence was to be granted, customers would leave the premises at 12.30 pm, 30 minutes after the end of licensable activities on Fridays and Saturdays. During the week, however, the centre will close earlier, at 11.00 pm. In practice, the centre currently closes even earlier than this during the week.
- The 12.30 pm close of the community centre under the premises licence which was the subject of this application was the same as what was currently permitted under the club premises certificate held by the community centre.
- No members of the Touchline company were committee members of the Hockley Community Association. In order to be eligible for committee membership potential applicants have to be 18 years or over and members of the community centre for a minimum of one year. They are then able to nominate themselves to sit on the committee, and a proposal to this effect has to be made, and seconded, at the annual general meeting of the committee, then voted on. There are two committees, one which deals with the charity side of the business, and the other is in respect of the sports and social club. The committees are properly constituted and have a formal constitution.

- The premises licence could potentially have some financial benefit to the Community Association, as it would enable events to be opened up to non members.
- All events will be held under the supervision of the Community Association committee.
- No complaints have been received by the Police in respect of noise nuisance. There was one crime incident on 22 March 2015 relating to the theft of judo mats at the centre, another on 4 March 2015 relating to the possession of cannabis and another in August 2014 relating to cars blocking the road while an event was taking place at the community centre.
- The community centre had its own lighting in the car park, which is on all the time.
- Doors and windows will be kept shut during the summer while events are taking place.
- No external events are run at the front of the building; occasionally fun days are held at the rear of the building, with bouncy castle, etc, and there will be some recorded music during such events, but these are dependant on the weather, and run from 11.00 am – 6.00 pm, generally around 2 to 3 times per annum.
- The Environmental Protection Unit conditions were negotiated with the Committee, who have also submitted a noise management plan. This includes conditions such as the closing of doors and windows at 2200 hours when live music is played; deliveries restricted to 0800-1900 hours; external events restricted to 1100-1800 hours; designated smoking/external seating area to be monitored by CCTV and patrolled by staff; car parking areas to be monitored by CCTV and patrolled by staff; taxis to be called for customers on request, using reputable companies; refuse bins to be sited at rear of building, away from residential properties; air conditioning units to be sited at rear of the building, away from residential properties.
- Monitoring to ensure that doors are kept shut when people go out to smoke, etc., will be undertaken by bar staff as the community centre does not employ door staff. In addition, new doors have just been fitted to the main hall, which are self-closing.
- Every effort is made to employ adequate number of staff, however, sometimes events can occasionally attract a higher attendance than anticipated, but lessons are learned if this happens.

- There are two designated smoking areas, one for use by those in the rear hall and the other is at the front, outside the main entrance, monitored by CCTV.
- No noise survey has been conducted, but the premises has only received one complaint relating to noise, in 2009.
- The sports and social club is a sub-committee of the Hockley Community Association; the building is the licence holder.

Mrs Croud, a local resident objecting to the application, made reference to the importance of any noise management plan being in place and a noise limiting device installed before any events are held. She emphasised that there had been instances whereby residents had been disturbed by noise late at night in respect of the community centre. However, when residents have telephoned the Police, they have been told to contact the Council. However, on attempting this, residents have received an ansaphone message advising them that the Council is closed; they have been unable to report any noise issues at night.

She expressed concern that the planned live music events appeared to be commercial, rather than community events, aimed at making a profit. They believed that such events would impact on the quality of their lives.

She also claimed that the deadlines cited in the local newspaper in respect of this application were different to those detailed on the notices placed on the site.

Mrs Croud said that after late night events at the community centre groups of people congregated on an area of green near the main junction with Westminster Drive and Buckingham Road, causing a disturbance, and with occasional fights.

She questioned the need for there to be off sales of alcohol at the community centre, claiming that this led to anti-social behaviour and discarded cans, etc., in the nearby streets.

She also said that events at the community centre could result in the surrounding streets being full of parked cars, with cars also parked on pavements, making it difficult to manoeuvre around the streets. There had also been instances of vandalism to cars.

In response to a comment that some of these problems could be attributable to people leaving other licensed premises in Hockley, Mrs Croud advised that, given her property's location, she had observed people leaving the community centre making noise or causing a disturbance, occasionally vandalising cars, etc.

Another resident claimed that she had had CCTV installed at her home as a result of suffering from repeated vandalism and this had recorded an instance two years ago of a couple arguing and causing damage to her car; although the Police had seen the footage they had not been able to do anything. Responding to a question from the applicants as to whether she had reported this to the community centre, she confirmed that she had raised the matter at the time with those holding the birthday party that had been taking place at the community centre, and with the caretaker of the centre.

Mr Moorhouse, another local resident, stressed that there were a number of issues relating to public nuisance that arose when events were taking place at the community centre, including noise, anti-social behaviour, littering, damage to property and vehicles, in the area adjacent to the exit routes to the community centre.

He emphasised that Hockley Community Centre was situated in a cul de sac in a densely residential area, accessed by a single road, which is very narrow and with properties close to pavements. On occasions when events were taking place at the community centre parking in the streets around the access and in the access itself was so bad, emergency vehicles would struggle to gain safe access. There was a lot of pedestrian traffic also during such events, past a residential home for the elderly with railings outside, which could be a flashpoint for anti-social behaviour, as well as alley ways nearby.

He stressed that a lack of complaints should not be interpreted as tacit approval by the community to the operation of the community centre. He was concerned that Hockley Community Centre appeared to be transforming itself from a community venue into a pub/music venue; several live music events over the next few months were already being advertised online.

He was also disappointed that there had not been open consultation with local residents in respect of this application.

In response to questions, the following points were made:-

- It was difficult to find out what activities were taking place at the community centre as there was no external notice board advertising activities, just an internal notice board, which was not always accessible as the community centre was not always open during the daytime; this did not help to draw people in or make them consider becoming members.
- It was not easy to go to talk to the Hockley Community Association about any problems that were being experienced, as the centre was not always open.

In response to general questions of all parties, the following points were noted:-

- Noise readings taken at the community centre recorded levels that were 10dBA lower than levels taken from trains passing at the rear of the building.
- The community centre currently only has 35 members. It is doing what it can to resolve issues that have been raised in respect of noise, including installing special curtains. The music events organised by Touchline would enable the Community Association to continue to make improvements to the building and to try to better serve the community. Touchline music events would take place predominantly on Friday evenings, with most Saturday evenings reserved for family events.
- The applicants would be willing to have a noise survey done at the premises and to install a noise limiting device, if that was deemed appropriate.
- The premises are usually vacated by 12.30 pm; however, there can be occasions when party organisers may leave slightly later, after clearing up.
- If granted, the new premises licence will require the applicants to risk assess any events to be held at the community centre, which will include an assessment of whether door staff will be needed; in addition, the Police will be able to insist on door staff for any events, should they think it necessary.
- Alcohol sales end at midnight; there is then a 30-minute cooling down period to allow the premises to be vacated.
- The community centre already holds a club premises certificate permitting the premises to be licensed until midnight; this could be retained, even if the Council was to issue a premises licence for up to 11.00 pm only.
- There are 300 car parking spaces in the community centre car park. This is locked at night and usually re-opened the next day between 8.00 – 9.00 am. There have been isolated instances of the car park being left unlocked, usually to allow access for refuse vehicles.

The Senior Licensing Officer confirmed that this was an application for a new premises licence; the applicants already hold a club premises certificate and could, in theory, retain this, if granted a new premises licence.

In conclusion, residents urged Members to consider the concerns raised by residents. Residents reiterated that they were disturbed late at night by customers leaving the community centre; they did not believe that erecting signs asking customers to be more considerate would have any effect. In their view the only effective way to control the situation would be to restrict the licensable hours to 11.00 pm.

The Sub-Committee retired from the Chamber with the Monitoring Officer and

Member Services officer to consider the decision, returning for its announcement.

Members, having carefully considered all the evidence and the representations made by the applicants and all other interested parties, and in particular the concerns expressed by local residents. The Sub-Committee noted that the Community Association had the benefit of a club premises certificate, which allows the sale of alcohol and provision of regulated entertainment, which could continue, irrespective of any decision made by this Sub-Committee.

The Sub-Committee deemed it appropriate to grant the application for a premises licence to assist with the future management of the premises, subject to strict conditions, some of which had already been agreed with the Police and the Environmental Protection Unit.

The Sub-Committee considered that the additional stipulations in relation to the noise limiter, door staff and the prohibition on external live music would assist the applicant to operate the premises and also give added assurance to local residents.

The Sub-Committee was pleased to hear that the Community Association wished to engage with local residents, involve them in activities and deal with any complaints which may arise.

The Sub-Committee had listened to the issues regarding the security of the car park and hoped that the applicant would continue to monitor the situation and secure the car parking area when the premises are not operating.

The Sub-Committee emphasised that the grant of the new premises licence could be made subject to review at the request of local residents, the Police or the Licensing Authority if the above conditions were not observed.

### **Resolved**

That the application be granted, subject to conditions already agreed with the Police and the Environmental Protection Unit and including the following conditions:-

1. The licensee shall operate the Challenge 25 scheme.
2. The licensee will maintain a refusal book.
3. The licensee will install and maintain CCTV and retain any images for a minimum period of 31 days.
4. All staff will receive appropriate training and the licensee will keep training records.

5. The noise management plan, as agreed with Environmental Protection, will also include the provision of an appropriate noise limiting device, the specification for which shall be approved by the Council as the Licensing Authority.
6. The licensee will employ door staff on all appropriate occasions as directed by the Police.
7. Drinking vessels and glass collection will be in accordance with the conditions agreed with the Police.
8. An incident log will be kept to record any crime or disorder issues.
9. In addition to the conditions agreed with Environmental Protection, all doors and windows in the premises to remain closed during performances of live music and no live music performances to be allowed in external areas.
10. We have removed the condition relating to off sales and any alcohol which is purchased must be consumed on the premises.

All other details in relation to these conditions which have been agreed with the applicant will apply. (ADLS)

The meeting closed at 12.30 pm.

Chairman .....

Date .....

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