

Minutes

of a meeting of the

Licensing Acts Panel

held at 2.00 pm on Monday, 10th September, 2012
at the Council Chamber, Abbey House, Abingdon



Open to the Public, including the Press

Present:

Members: Councillor Charlotte Dickson, Ron Mansfield and Janet Shelley

In attendance: Councillors Tony de Vere and Julie Mayhew-Archer

Officers: Kate Fisher, Susan Harbour and Daniel Smith

Number of members of the public: 2

LAP.1 Election of a chairman

Councillor Ron Mansfield was elected as chair of the panel.

LAP.2 Declarations of interests

None.

LAP.3 Procedure

The chair outlined the procedure, contained in the agenda pack.

LAP.4 Application for a premises licence variation - Guildhall, Abingdon

Presenting the case for Abingdon on Thames Town Council were Nigel Warner, Town Clerk and Karen Webb Guildhall Supervisor.

Councillor Tony de Vere, district ward councillor for Abbey and Barton, presented the case for the residents, who objected to some aspects of the application. He was accompanied by two residents: Patricia Atkins and John Atkinson. Councillor Julie Mayhew Archer, district ward councillor for Abingdon Abbey and Barton, was also in attendance.

The licensing officer presented her report. She confirmed that the applicant had accepted the conditions.

Nigel Warner presented the case for the applicants. He made the following points.

- The Guildhall is under used.
- The current hours are restrictive to the development of the Guildhall.
- The Town Council wishes that the Guildhall will move towards a more self-funded model and require less subsidy from council tax payers.
- The Town Council wish to retain the viability of the Guildhall as a community facility and for it to contribute to the economic vitality of the town centre.
- Abingdon on Thames Town Council is a responsible organisation and historically complaints have been very low. The Town Council tries to reduce noise disturbance by using a noise limiter and alarming doors to prevent them being left open.
- There are no concrete plans to develop wrestling and boxing at the Guildhall: these have been included in the application to provide flexibility.
- The Guildhall is responsible in refusing to serve people who have had too much to drink and the off sales licence is also to provide flexibility.
- The designated smoking area is at the bottom of the front steps.
- There is no intention of operating the bar as a stand alone facility outside of functions at the present time.

The interested parties case was presented by Councillor Tony de Vere. As part of his case he read statements from a group of residents from Abbey Close and Checker Walk; Mr Sayers, a local resident; Dr Halliday a local resident. (Dr Halliday is a district councillor but his representations were being made in a personal capacity.) Councillor de Vere and the residents made the following points:

- The local residents already suffer from noise pollution late night/early morning from the Guildhall and other establishments.
- A lot of noise is generated from staff throwing bottles in bottle banks at the end of events.
- Events at the Guildhall create base noise and vibration.
- Many of the local homes are listed buildings and cannot install double glazing to reduce the noise.
- Guests make noise when they leave the Guildhall.
- Doors are left open during events.
- Local residents have suffered nuisance, noise and petty vandalism for up to an hour after events finish.
- Some elderly residents are afraid after events at the Guildhall and other establishments as people come onto the curtilage of their properties causing a nuisance and knocking on doors.
- There have been few complaints registered with the district council as residents had dealt directly with the Guildhall.

Daniel Smith, the licensing lawyer advising the panel, advised that the matter before the panel for consideration was not general crime, disorder and nuisance, but only how the application might add to these. He also advised that there was no provision for granting a temporary licence but the licensing authority, police or other interested parties would be able to request a review in future if they wished.

Both parties summed up their cases.

In their summing up, the Guildhall agreed that they would do the following:

- Encourage guests towards the Market Place and request them to be mindful of local residents.
- Ask staff to put the empty bottles into the bottle bins the morning after an event.

They also confirmed that they have a noise limiter and that fire doors are alarmed.

The representatives of the Guildhall said that they had listened to residents' concerns and that they would be content to amend the application in line with the suggestion made, in writing, by the largest group of residents, although this would be varied for the day before public and bank holidays (including Christmas Eve, but excluding Maundy Thursday) which would be treated in the same way as Fridays and Saturdays.

Full details of the decision are attached.

The meeting closed at 3.00 pm

Decision Notice



Licensing Act 2003

Decision of the Council's Licensing Acts Panel held on 10 Sept 2012 regarding an application for a variation to a premises licence for The Guildhall, Abingdon

Reason for Hearing

To determine the application for a variation to a premises licence for The Guildhall, Abingdon, made under section 34 of the Licensing Act 2003, ("the Act").

Evidence

The Sub-Committee considered the licensing officer's report and accompanying documentation and heard submissions from the applicant and his legal representative, and other interested parties.

Decision

The Sub-Committee hereby grants the application for a variation to the premises licence to The Guildhall, Abingdon. The licence is granted as applied for subject to any amendments and conditions as set out below:

The hours permitted for licensable activities shall be:

Weekday and weekends, excluding bank holidays and New Year's Eve

Regulated entertainments: Sun – Thurs 09:00 – 00:00
Fri – Sat 09:00 – 01:00

Sale of alcohol (on/off sales): Sun – Thurs 11:00 – 23:30
Fri – Sat 11:00 – 00:30

The day before bank holidays (including Christmas Eve, but excluding Maundy Thursday and New Year's Eve)

Regulated entertainments: 09:00 – 01:00
Sale of alcohol (on/off sales): 11:00 – 00:30

New Year's Eve

Regulated entertainments: 09:00 – 01:00
Sale of alcohol (on/off sales): 11:00 New Year's Eve – 23:00 New Year's Day

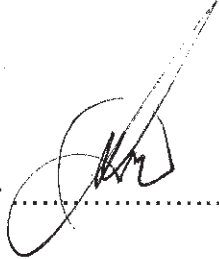
Reasons for the Decision

The panel took into account the evidence submitted by all parties, including local residents, the relevant provisions of the Act, the Secretary of State's guidance issued under section 182 of the Act, and the council's licensing policy.

The panel found that, having heard the concerns of the Interested parties and considered policy LA4 (noise control to suit late night trading), there is a significant risk of noise nuisance being caused by dispersal of patrons at the extended hours originally applied for. In order to address this risk, the panel decided that it would be appropriate to reduce the hours applied for, the hours should be reduced to those set out above (and now agreed by the Applicant). The application was otherwise in accordance with the licensing objectives.

Informatives

1. If any party wishes to obtain a copy of the minutes of the sub-committee meeting, they can do so by contacting Susan Harbour Democratic Services, telephone (01235) 540306, email susan.harbour@southandvale.gov.uk
2. Any party may appeal against the panel's (under section 181 of the Act). Any appeal must be to the Magistrates' Court within 21 days of the date of this decision notice.

Signed by Councillor (Ron Mansfield)
Chair of panel

Date17/9/2012.....