

Licensing Sub-Committee

Friday, 20th December, 2013
10.00 - 11.05 am

Attendees	
Councillors:	Garth Barnes, Rob Reid and Diggory Seacome
Officers:	Vikki Fennell, Solicitor and Louis Krog, Licensing and Business Support Team Leader

Minutes

1. ELECTION OF CHAIRMAN

Councillor Garth Barnes was duly elected as Chairman.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

4. DETERMINATION OF APPLICATION TO VARY A PREMISES LICENCE

Louis Krog, Business Support and Licensing Team Leader introduced the report as circulated with the agenda. A variation application had been submitted from Mr Chittenden and Ms Madge in respect of Manor by the Lake, Arle Court, Hatherley Lane.

A copy of the application is attached to Appendix A of the report.

Louis Krog referred Members to point 1.2 of the report which detailed a breakdown of the variation.

Louis Krog advised Members that 18 representations had been received from local residents but no objections had been received from the responsible authorities. Environmental Health had proposed a condition as follows "The playing of amplified live or recorded music in outdoor areas shall be limited to the hours of 8am-9pm, in connection with weddings, civil ceremonies, blessings and similar events, for a maximum duration of 1 hour per day". Louis Krog confirmed that this condition had been agreed by the applicant.

Louis Krog referred Members to 7.4 of the report which raised a number of issues that the objectors had raised which are not relevant. Louis Krog read page 11 of the report out to the Committee which explained why each point was not relevant.

Members asked the following Officer question:

- When asked, Louis Krog stated that Members could not time limit the variation for 1 year and there were no time constraints that could be added to the variation. If there were issues if the variation was granted a review of the licence could be sought.

Ms Madge attended the Committee and spoke in support of her application. She explained that the main changes to the existing premises licence were the extra hour from Sundays to Thursdays and an extra capacity for another 80 people. A new ball room had been put in place and could now hold up to 350 people. Ms Madge stressed that this would not mean there would be 350 people at the venue 7 days a week, this variation would be used mainly for weddings with the majority of people attending would be from 70 people in the day and an additional 100 in the evenings.

This variation would also cease the need to apply for a Temporary Event Notice (TEN). Ms Madge confirmed the premises is currently licensed for performance of dance and recorded music in and outdoors so there is not much change there. Recorded music is only used outside during a ceremony in the gardens. Ms Madge stated that as noted in the report she was happy to agree to the additional condition suggested by Environmental Health.

Ms Madge said the premises did not intend to have concerts as this is not what they did. When the ball room was in use Ms Madge said she would ensure all windows would be closed, out of 70 events taken place here this year there had been very few complaints.

Ms Madge told Members she felt this variation was unreasonable for her business and understood residents concerns. There would not be 350 people in the gardens and was happy to discuss any other conditions.

Members asked the following questions:

- When asked, Ms Madge confirmed the designated fire officer had confirmed the maximum number of people inside the premises could be 350. Ms Madge said in terms of seating a banquet there could be 220 people and for a cocktail party 350 people but none of this type of business had been booked this year.
- When asked, Ms Madge said that she could not envisage egress into the gardens during this type of event and would not have garden parties.
- A Member referred to the map of the premise on page 95 and sought clarification of where the entrance to the ball room was in relation to the main entrance.
- Ms Madge stated that if a function was taking place in the west wing ball room that entrance would be used. The main entrance to the premises is by the Marguerite function room. The ball room entrance is the furthest away from residents.
- A Member raised concern with traffic in and around the premises and asked how many parking spaces there were.
- Ms Madge confirmed there are 50 car parking spaces at the back of the premises and 25 at the front. Car parking spaces have been rented from Ultra Electronics to add more spaces for customers.
- When asked, Ms Madge advised Members that all residents have the duty manager's contact number for whenever a function is taking place so any issues can be resolved on the night.
- When asked, Ms Madge confirmed that the music played outside was mainly string or guitarists music and was never intrusive.

- When asked, Ms Madge advised Members that when ever a function takes place a night porter is on duty to ensure no noise is occurring. The night porter patrols the area including the car parking areas. Ms Madge said that she ensures all windows are closed. The night porter is not SIA trained as Ms Madge said she had not felt the need for that type of security. For weddings and Christmas parties additional security is arranged, these types of events are hired out directly to the client.
- When asked, Ms Madge said she had a decibel reader to ensure noise levels were satisfactory. The decibel reader was simple to use and measured acoustic noise levels to ensure the sounds were not too loud.
- When asked, Ms Madge advised the Committee about the dispersal policy. All car park areas are sectioned off 15 minutes before the end of an event, customers are asked to book taxis in advance of leaving the venue and staff can organise booking taxis. Staff ensure that guests leave quietly and directly.
- A Member referred to one complaint from a resident stating they were unable to contact anyone at the venue to deal with a complaint whilst an event was taking place.
- Ms Madge advised Members that out of 70 events this was the only occasion the venue had not been contactable. The complaint had been about some noise disturbance and had been dealt with the next day. The neighbour was happy with how this was resolved.
- When asked, Ms Madge said that only once this year had a marquee been used. This type of event could now take place inside the venue and did not have a marquee policy.
- When asked, Ms Madge said the only reason this application sought the permission for outdoor music was to provide music for ceremonies, when the bride walks down the aisle and the signing of the register which takes place early on in the proceedings.

Councillor Britter attended the Committee to speak on behalf of the residents that had submitted representations against this application. He stated that residents felt the contact number to call if there were any problems while an event was taking place was difficult to get hold of. Residents wanted something done at the time of the event taking place and not the next day. Councillor Britter asked Ms Madge what she had done to negate residents.

- Ms Madge confirmed she had provided the head of the resident's association two contact telephone numbers and an email address that would be picked up. The ball room has been in use since the end of November and this new part of the venue had been moved further away from residing properties.
- Ms Madge stated that she had spoken to Justine, head of the residents association, about the changes to the venue prior to them taking place.
- Councillor Britter advised Ms Madge that Justine was no longer part of or head of the residents association.
- Ms Madge said she would have liked to have been informed of any change as she did not know this.
- Councillor Britter said residents were not just concerned with noise disturbance whilst events were taking place but noise as a result of customers wandering around the grounds, smoking and drinking

outside. During the summer residents have their windows open and after an event has ended residents can hear car doors slamming.

- Councillor Britter said there are several young families in the area and requested on behalf of the residents that any outdoor music is restricted between 8am and 6pm. Councillor Britter said residents appreciated that outdoor music was only permitted for up to one hour a day but felt the requested times were too late.
- Councillor Britter referred to the 30 decibel limit measured and detailed that no fixed level of noise constitutes a statutory nuisance. Fragmented noise caused lack of sleep.
- Councillor Britter referred to the additional car parking spaces provided for the venue and stressed that this now results in a large number of vehicles being accommodated on the site. Councillor Britter said that the prevention of noise is relevant here and impacts residents.
- Councillor Britter said that residents feel they have a lack of trust to the applicant as a result of promises made prior to a planning application made in September. Residents feel that the total number of 350 people who can attend events was too high and would result in potential noise nuisance and cause parking problems. The residents felt the application should be refused.

Ms Madge advised the Sub Committee that ceremonies held in the summer during 8pm-9pm were requested from customers to incorporate a dusk ceremony. Ms Madge stated that residents have contacted the venue complaining of children playing outside of the venue at 3pm during the afternoon. Ms Madge said that the venue tries to help residents but a bit of leigh way is needed and both sides need to be reasonable. Additional parking spaces have been leased from a business close to the venue. Ms Madge queried the point made about promises made in relation to a planning application.

Councillor Britter stated that this was information given to him by the residents. He felt this was a two way exercise between the venue and residents and felt complaints made about children making noise outside the venue at 3pm in the afternoon were not appropriate. He felt the additional parking spaces would cause problems with vehicles in Hatherley Lane being pushed further away.

Ms Madge said that most events in the evening were from Ultra Electronics and Cheltenham Film Studios and that parking was accessible. Ms Madge said she was happy for an additional condition to be added to the licence with regard to outdoor music. Ms Madge stated that under the venues current premises licence the venue is permitted to play outdoor music until midnight. Ms Madge noted again that she was happy to comply with Environmental Health's suggested additional condition and that residents should take this on board.

When asked, Louis Krog advised Members that if granted today, the new premises licence would supersede the current existing licence. The current condition at annex 2c, on page 33 of the report, stating that all music which is part of outdoor live entertainment shall be unamplified will remain on the new licence if granted today. The additional condition proposed by Environmental Health, at 3.2 page 2 of the report, stated that the playing of amplified live or recorded music in outdoor areas shall be limited to the hours of 8am-9pm, in

connection with weddings, civil ceremonies, blessings and similar events, for a maximum duration of 1 hour per day.

Ms Madge confirmed she was happy to accept these conditions.

When asked, Louis Krog advised Members that if a TEN was submitted the TEN would supersede the premises licence. Environmental Health and the Police were only permitted to object to the TEN. If Environmental Health objected to a TEN a Licensing Sub Committee would be triggered.

A Member asked if the applicant would consider reducing the number of customers to the premises from 350 down to 250.

Ms Madge stated they required a restricted number from the Fire Officer which resulted in a number of 350. Ms Madge said this application had been submitted to stop the process of TEN's being applied for.

When asked, Ms Madge said the new ball room had been up and running for one month and only one complaint had been made and occurred on the opening evening. The music was too loud and was immediately rectified. Since then no complaints had been received. The new ball room had been adapted from the premises before and the ceiling was acoustically sounded. Due to the building being listed the windows could not be altered at all. The curtains for the ball room are specialised acoustic ones so when they are drawn the sound does not penetrate and is like double glazing.

A discussion took place about the decibel readings and what determined background noise.

In summing up Ms Madge said she was happy to reduce numbers to 250 as mediation to appease the residents and would use a TEN if an increase was needed. Ms Madge agreed that depending on the type of event, such as a Christmas party security would be increased but would use her experience in making that decision.

Members left the Chamber to consider their decision at 10.45.
Members returned to the Chamber at 11.05 with their decision.

In respect of the application by Tammy Madge of Manor by the Lake, Arle Court, Hatherley Lane, Cheltenham the Sub Committee has read the material presented to it and has listened to all of the evidence and submissions. The Sub Committee in coming to its decision has also considered the four licensing objectives, the National Guidance and the Statement of Policy. The decision of the Sub Committee is as follows: -

the application to regularise the licensable hours on all days is granted;

There will also be the following conditions added to the licence:

The maximum capacity limits on the licence will be 250 people; and

The playing of unamplified live music in outdoor areas shall be limited to the hours of 8:00 a.m. – 9:00 p.m. in connection with weddings, civil ceremonies, blessings and similar events, for a maximum duration of 1 hour per day.

The Sub Committee has placed these conditions on the licence for the purpose of promoting the licensing objective of the prevention of public nuisance and the potential for noise disturbance on local residents.

In all other respects the Sub Committee has found that the licensing objectives are satisfied and that the conditions imposed on the licence will ensure the licence meets these objectives.

The Interested Parties are reminded that should the Applicant fail to meet the licensing objectives that they can report matters to the Licensing Authority and the Applicant and that the licence can be the subject of a review.

Chairman