

LICENSING SUB COMMITTEE

MINUTES OF A MEETING of the Licensing Sub Committee D held on Tuesday 12 December 2006 at the conclusion of the Licensing Policy Committee which commenced at 9.30am, in the Guildhall, Portsmouth.

Present

Councillors April Windebank (in the Chair)
Margaret Foster
Jacqui Hancock

132 Appointment of Chair (AI 1)

Councillor April Windebank was appointed Chair for the meeting.

133 Members' Interests in Accordance with Standing Order No 14 (AI 2)

Councillor Jacqui Hancock declared a personal and prejudicial interest in agenda item 5 – Licensing Act 2003 – Application for the variation of a premises licence – Royal Marines Museum, The Esplanade, Southsea, PO4 9PX – in that Councillor Hancock's husband is a trustee of the Royal Marines Museum, who are the applicants.

134 Exclusion of Press and Public (AI 3)

RESOLVED that the public be excluded from the meeting during the following items of business because it is likely that if members of the public were present there would be disclosure to them of "exempt information" within Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972.

<u>Item</u>	<u>Paragraph</u>
4 – Licensing Act 2003 – Application for the grant of a personal licence – Mr B	1
7 – Application for the grant of a Private Hire Driver's Licence - Mr B	1

135 Licensing Act 2003 – Application for the grant of a personal licence – Mr B (AI 4)

(TAKE IN EXEMPT REPORT BY THE LICENSING MANAGER)

PC Darren Bramley, representing Hampshire Constabulary, was in attendance for this item.

The Licensing Manager informed the committee that Mr B had not given any indication that he would be attending the hearing. He had been formally advised of the date, by letter sent 1st class on 23 November 2006. The statutory form had also

not been returned. The Licensing Manager telephoned the contact telephone numbers provided by Mr B but she was informed that he no longer resided at his given home address (although he still got his post) and there was no response to his mobile telephone number.

Take in exempt appendix.

Members agreed to consider the application in Mr B's absence.

RESOLVED that the application for the grant of a personal licence to Mr B be refused.

136 Application for Private Hire Driver's Licence – Mr Br (AI 7)

(TAKE IN EXEMPT REPORT BY THE SENIOR ENFORCEMENT OFFICER)

Mr Br was in attendance. Mrs S and Mrs P were also in attendance in support of Mr Br's application.

The simplified hearing procedure was followed.

RESOLVED that a Private Hire Driver's Licence be granted to Mr Br for the reasons outlined in the report.

The committee adjourned until 10.50am and reconvened in open session.

137 Licensing Act 2003 – Application for the variation of a premises licence – Royal Marines Museum, The Esplanade, Southsea, Po4 9PX (AI 5)

(TAKE IN REPORT BY THE LICENSING MANAGER)

Councillor Jacqui Hancock left the room during discussion of this item following her earlier declaration of interest.

Mr Jon Wallsgrove (solicitor representing the applicants, The Trustees of the Royal Marines Museum ("RMM")) and Ms Izod & Ms Swales (who provided instructions to the solicitor only) were in attendance.

Councillors Anthony Martin (representing Mr G Poole) and Luke Stubbs (representing Mr J Dagastino & Ms L Prowting, Ms M Wendon and Mr G Poole), Mr P J Johnston (representing interested parties), Mr B McNally and Mr I Jenkins (Marine Gate Management Company (Southsea) Ltd) (representing interested parties) were all in attendance. Other interested parties who were present but did not speak were Mr&Mrs G Dykes, Mr&Mrs D Barnard, Mr&Mrs J McLaughlin, Mrs W Johnston, Mr G Noel, Mrs L Briano, Mr L Duerdin, Mr C Rivington, Mr M Jenkins, Ms A Spencer and Mr R Parsons.

The Chair, Councillor Windebank, asked all interested parties if they were happy for the hearing to commence with a 2-member panel, bearing in mind that if the members disagreed on the decision then the Chair would have the casting vote. If

any persons felt aggrieved by this then the hearing could be adjourned. There were no requests for an adjournment.

The Licensing Manager introduced the report and outlined the application. Jon Wallsgrove, explained that the application had caused a high percentage of emotion amongst local residents. Unfortunately it would appear that most of the residents had been misinformed and that the premises have been described as a 'theme park, theme pub and night-club', all completely inaccurate. The application asks for live music to cease at 20.00hours outside but the applicant has suggested an amendment to this so that all licensable activities which take place outside in the grounds of the museum shall cease at 20.00hours. This will hopefully go some way to preserve the amenities of local residents. The extension for licensable activities inside the premises is for an additional hour and residents do not appear to be concerned with activities inside.

Jon Wallsgrove reported that Councillor Stubbs had suggested that they apply for Temporary Events Notices to cover any outside events but these only cover 499 persons. This is not to say that there would be 500 persons in attendance at any event but there may be more than 500 persons on the Royal Marine Museums premises and therefore the applicant would be in breach of their licence.

Jon Wallsgrove explained that the applicant's are doing everything that the Government intends under the new legislation but it appears to be causing a stir amongst residents. For example, a military band is no longer covered under the licence. The museum is not intending to change its image into a theme pub it merely wants to hold military music in-keeping with its events. Many local residents had referred to an event held on 13 May 2006. The Environmental Health Noise Team did attend that event and no noise nuisance was established.

The Museum has arranged for the main gates to be open later to allow for taxis to come right up to the entrance to take people away swiftly and quietly. Some of the letters of representations refer to an event which took place until 2am, this is not true. Some of the representations also refer to a firework party organised by the RMM, again this is not true. It was actually organised by one of the residents. People have referred to persons climbing over fences and hedges when leaving events held at the RMM. The persons concerned were actually seen by the security staff at the RMM and they turned out to be residents taking a short cut home after a night out. The Police have raised no concern about the proposed variations. Jon Wallsgrove referred to paragraph 5.99 of the statutory guidance and the need to question whether there are any current issues, which would impact on the granting of the licence. The review process does allow residents to bring the matter back before the Committee. Jon Wallsgrove requested that the licence be granted with the amendment proposed.

During the hearing procedure residents were given the opportunity to ask questions of the applicant. Mr Jenkins asked if the ceasing of licensable activities outside would apply to a marquee on the lawn? Jon Wallsgrove responded by saying that it would and that the applicants would be happy for this to be made a condition of the licence.

Mr P Johnston, an interested party, spoke of his concern that this licence variation was for the largest entertainment site in the city. Mr Johnston circulated a photograph/map showing the position of the RMM in relation to the residential dwellings. He explained that drunken behaviour and noise from people constantly disturb residents until 1am. He also referred to drunken behaviour of persons in the Remembrance Garden. Residents are bombarded by noise from activities on the lawn. He questioned the need for the RMM to extend their licence and suggested that it was because they intended to convert it into a theme park with a theme pub. He referred to the enormous size of the car park and that the RMM would be able to do anything 7 days/nights a week and asked that the licence not be granted.

Councillor Stubbs welcomed the amendment by the applicant to cease outside events by 20.00hours. He also excepted the RMM good intentions but was concerned that staff change. He felt that Temporary Events Notices could deal adequately with events. He requested that should the licence be granted that a condition be put on limiting the number of persons on the lawn at any one time. Most residents would like the licence not to be granted because of the possibility of noise and disturbance.

Councillor Martin explained that residents expect quiet in this area. 500 persons and alcohol is not a good combination and there will always be a minority who misbehave. Any nuisance will cause stress/health issues to local residents.

Mr Jenkins, an interested party, asked if the night noise issues could be taken into consideration.

Mr McNally, an interested party, thanked the Councillors for speaking on behalf of the residents. He felt that the RMM should move into the dockyard to a more suitable location.

Councillor Foster asked the applicant if door stewards were employed at events? Jon Wallsgrove, on behalf of the applicant, responded by saying that they have 1 member of staff per 50 persons but that they do not need to employ SIA registered door staff because of the nature of the events. Councillor Foster then asked if they had night security staff? Jon Wallsgrove responded by saying that they do employ a night watchman that patrols the grounds of the RMM.

All parties were then given an opportunity to sum up their case. Councillor Stubbs suggested that should the licence be granted then restrictions should be put in place to protect local residents from noise and disturbance.

Councillor Martin expressed his support to the RMM but did not want to see it turned into a venue for function events. He felt that the applicant needed to understand the way of life of the local residents and that the application should be refused.

Jon Wallsgrove, on behalf of the applicant, felt that it is all a measure of balance. The Human Rights Act applies to businesses and residents needs. The reason for the extension of the licence is to allow museum events to promote the history of the marines. The RMM would quite clearly like more than 500 persons at any one event. Residents do have the right to instigate the review process. Residents seem to be

concerned that the RMM is going to turn into a theme park or pub and that is really not the case. Residents can contact Environmental Health if they feel events are too noisy. Jon Wallsgrove requested that the variation application be approved.

RESOLVED that the premises licence for the Royal Marines Museum, The Esplanade, Southsea, PO4 9PX be varied as follows and subject to the following condition, which were agreed with the applicant;

- 1. to extend the times for the sale of alcohol from 1000 hours until 2330 hours Monday-Saturday only.**
- 2. to permit regulated entertainment consisting of:**
 - plays
 - films
 - live music
 - performances of dance
 - entertainment of a similar description to live music and performances of dance
 - provision of entertainment facilities for
 - ❖ making music
 - ❖ dancing
 - ❖ and entertainment of a similar description

on Mondays-Saturdays between 1000 hours and midnight.

(The premises are already authorised to provide recorded music.)

Music may be amplified or unamplified.

- 3. to permit the provision of late night refreshment, indoors, Monday-Saturday between 2300 hours and midnight.**
- 4. to permit the premises to be open to the public on Monday-Saturdays between 1000 and midnight.**
- 5. to remove the following conversion conditions as shown on Annex 2 of the premises licence:**

“1. Alcohol shall not be sold or supplied on Good Friday or Christmas Day except during permitted hours”.

The condition further explains ‘permitted hours’.

- 3. a number of conditions relating to the sale or supply of alcohol to various classes of people.**
- 4. a condition relating to consumption of alcohol (‘drinking up time’).**

5. a condition relating to statutory provisions contained within the Children & Young Persons Act 1933 (as amended).
6. the applicant's wish to retain condition 2 which relates to New Year's Eve and New Year's Day.

Subject to the following condition;

- Where events take place outside in the grounds of the museum all licensable activities will cease at 2000 hours, including events which take place in a marquee.

REASONS: The Committee had regard to its statement of licensing policy and the statutory guidelines provided, specifically having regard to the locality of the premises in relation to residential properties. The Committee also had taken into consideration the representations submitted by all the interested parties. They had regard to the condition, as proposed and agreed by the applicant, and believed the condition imposed to be necessary, reasonable and proportionate to prevent late night nuisance to neighbours living in close proximity of the premises by limiting the hours of all licensable activities outside in the grounds. The human rights of the applicant and local residents were also taken into consideration.

The Licensing Manager advised all interested parties that they have the right of appeal to the Magistrates' Court within 21 days of the Notice of the Decision of the hearing being received by them.

The meeting concluded at 1pm.

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Signed by the Chair.