



Leicester  
City Council

Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: WEDNESDAY, 20 AUGUST 2014 at 9:30 am

P R E S E N T:

Councillor Clarke (Chair)  
Councillor Dr Barton (Vice Chair)

Councillor Westley

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**1. APPOINTMENT OF CHAIR**

Councillor Clarke was appointed Chair for the meeting.

**2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**3. DECLARATIONS OF INTEREST**

Members were asked to declare any disclosable pecuniary or other interests they had in the business on the agenda.

Councillor Clarke said he had sat on a previous hearing for College Court, which was referenced in some of the representations from residents, and he had received an email from a Councillor which he did not heed, and he sat on the hearing panel with an open mind.

Councillor Dr. Barton said she had sat on a previous hearing for College Court, which was reference in some of the representations from resident, but it had no relevance to the application before the panel, as each case was considered on its own merits.

In accordance with the Council's Code of Conduct, the interests were not considered so significant that it was likely to prejudice Members judgement of the public interest. Councillors were, therefore, not required to withdraw from the meeting.

**4. APPLICATION FOR A VARIATION OF AN EXISTING CLUB PREMISES CERTIFICATE: CARISBROOKE LAWN TENNIS CLUB, CARISBROOKE ROAD, LEICESTER, LE2 3PF**

The Director, Environmental Services, submitted a report that required Members to determine an application for a variation of an existing club premises certificate, for Carisbrooke Lawn Tennis Club, Carisbrooke Road, Leicester, LE2 3PF.

Members noted that representations had been received in respect of the application which necessitated that the application for the variation of the club premises certificate had to be considered by Members.

Mr David Oliver and Mr Paul Hammond (Committee Members) were present at the meeting. Mr Neil Cooper (Noise Team) and Mr David Shelley (Local Resident) who had made representations were present at the meeting. The Licensing Team Manager, Solicitor to the Hearing Panel, and Ms Johnstone (Student accompanying the Noise Team representative and observing) were also present at the meeting.

The Licensing Team Manager reiterated that each application was taken on its own merits, and that the previous hearing for College Court had no influence on the application submitted by Carisbrooke Lawn Tennis Club.

The Licensing Team Manager presented the report. The meeting was informed that a correct plan outlining the location of the club had been circulated to Committee Members and representees prior to the meeting. It was noted that representations had been received from five local residents on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety. It was also noted that a representation had been received from the Noise Team on the grounds of the prevention of public nuisance. It was reported that an agreement had since been reached between the applicant and the Noise Team, which contained five agreed conditions. Photographs of the exterior of the premises were circulated to those present at the meeting, and the meeting was asked to note the entrance to the club was from Kenwood Road.

The Noise Team officer then proceeded to outline the reasons for the representation and subsequent agreement, and answered questions from Members:

- There had been no further complaints since March 2014. The Noise Team had witnessed noise nuisance following two complaints received, and had met with club representatives to discuss the noise issues.
- The building was of wooden design with no significant acoustic insulation.
- The club had reached an agreement with the Noise Team for five conditions to be added to the licence, information of which was circulated at the meeting.
- The Noise Team were satisfied that if the conditions outlined were complied with, there would be no additional noise from the premises.

Mr Shelley outlined the reasons for the representation and answered questions from Members:

- There were approximately 100 properties within 250 yards of the club.
- Mr Shelley lived up a hill away from the club, but sounds could travel up the hill for some distance.
- There was no objection to events ending around 8.00pm, but objected to events later in the evening that could be disruptive to young children.
- The club premises building was not high spec, triple glazed, or purpose built, but thin-skinned, and from 20-30 yards away people could be heard singing inside.
- Mr Shelley asked for clarification of a point in the Club Premises Certificate, on 'the supply of alcohol by a club to, or to the order of, a member of the club for consumption ON and OFF the premises' and asked if it was only club members that could be served alcohol.
- A key concern of residents was the purpose for which the licence would be used, whether for club members, or for general hire to the public.
- It was believed that if the premises was advertised as a party venue, there was concern as to who would hire the venue.
- Residents had raised concerns over club social events and celebrations going on until 12.00 midnight, with amplified music. It was considered that drinking alcohol until midnight was not unreasonable, but the extension to the music and sound was excessive in a residential area, and 11.00pm was a reasonable hour for a social club.
- Effective sound proofing was required, not just for the amplified music.

Mr Oliver was then given the opportunity to respond to the points made and answered questions from Members:

- The club was a not-for-profit club and there were no intentions to change the premises into an entity for profit.
- The application was for a variation to an existing premises licence, and the requested hours were reasonable and consistent with other venues in the area.
- Leicestershire Tennis Club was in the same proximity as College Court, and had a 12.00midnight licence.
- The application was for an extension of one hour on Friday and Saturday evenings.
- The club was not looking to hold more than 12-15 events a year, due to resource and volunteer constraints, and these would be spread out over the year.
- Statutory notices had been placed in the area, and letters had been sent to the wider community, including the Chair of Knighton Society, inviting them to view the facilities.
- The club had considered the complaints, and representations, and had put measures in place, which indicated they had listened to local residents and had taken action.
- The application was not for outdoor activities or events, but for the club

house only.

- The car park had capacity for 40 cars, and there had been no on-street parking from events in the past.
- There had been no events or reports in the past 20 years regarding crime and disorder.
- The installation of insulation at the premises was cost prohibitive, and the club could not afford to install double glazing, therefore, they had agreed to a condition for the installation of a noise limiter.
- The club had not considered using door staff as other similar venues in the area did not employ them, and there would be at least three committee members present at events.
- Applications booked online would be vetted by Mr Oliver, and were mostly family events, for example, wedding anniversaries.
- The resident in closest proximity to the premises was in support of the application.
- The application was also for an extension of the supply of alcohol until 2.00am on New Years Eve.
- Mr Oliver said the club was hired out to non-members, but was not looking to escalate the frequency of events.

The Licensing Team Manager said the application was a variation to a club premises certificate and was not for a new premises licence. She added that club certificates were restricted for the benefit of members of the club and guests, and the sale of alcohol was for club members and guests. The Licensing Team Manager said the club's constitution and rules would clarify what a member was, and the hire of the venue to non-members required further discussion with the Licensing Team. The venue could also be hired by non-members through the giving of a Temporary Event Notice.

All parties were then given the opportunity to sum up and make final comments.

The Noise Team Officer said the club had accepted the concerns and potential for noise nuisance and had addressed the additional conditions, and agreed to the installation of a noise limiter, and if circumstances changed, the agreed level on the limiter could be adjusted. He added he was satisfied that if the noise limiter was used correctly it would prevent noise nuisance.

Mr Shelley said he was not asking the Committee to refuse the application for the variation, but to condition the licence. He added he was reassured by the Noise Team's assessment of the situation, and the willingness of all parties to work together to resolve issues. Mr Shelley said he believed the existing hours were reasonable, and asked for a compromise to be reached with the sale of alcohol ceasing at midnight, and other licensable activities ending at 23.00hours. He also asked for assurance that licensable activities be restricted to the club house, with the number of events restricted between 12-15 events per annum. If the events occurred without issue, the club could apply for an extension on the number of events held each year.

Mr Oliver said the application for the variation to the existing club premises

certificate had been made as a result of the complaints made to the Noise Team in March. The club owners had realised on examination that they held an incorrect licence to carry out the activities that had been taking place at the club premises for the past 30 plus years. Mr Oliver said the intention was not to become a party venue, but wanted to continue to generate some revenue for the club, and could certainly look at formally limiting the number of events. The club had met with the Noise Team and had come up with a positive solution, and asked the Committee to approve the variation.

The Licensing Team Manager reminded the Committee Members that if the number of events allowed was written into the licence, then events that could take place should be defined.

Prior to deliberation, the Solicitor to the Sub-Committee hearing panel advised members of options available to them in making their decision. Members were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decisions.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Licensing Team Manager, Solicitor to the Hearing Panel, Mr Oliver, Mr Hammond, Mr Shelley, the Noise Team Officer and persons in the public gallery then withdrew from the meeting.

Members gave the application full and detailed consideration.

The Solicitor to the hearing panel was recalled to advise Members on the wording of their decision.

The Licensing Team Manager, Mr Oliver, Mr Hammond, Mr Shelley, the Noise Team Officer and persons in the public gallery then returned to the meeting.

The Chair informed everyone present that the Solicitor to the hearing panel had been re-called to advise Members on the wording of their decision.

RESOLVED:

that the application for a variation of an existing club premises certificate be granted for Carisbrooke Lawn Tennis Club, Carisbrooke Road, Leicester, LE2 3PF, subject to the additional conditions agreed with the Noise Team.

Committee Members said they had been very heartened by the conciliatory and fraternal nature of the representations and how people had conducted themselves at the hearing. They added the Carisbrooke Lawn Tennis Club had presented itself to be a reputable establishment in the community, and it had become clear during the hearing that the application was a 'tidying up' exercise to put the club licence in order.

The Committee Members decided to grant the club licence with conditions, with the understanding that the licence was applicable to the club house only and no other part of the site.

The Committee Members agreed to the conditions as presented in the agreement report by the Noise Team, which they believed satisfied the licensing objectives, in particular the prevention of public nuisance. The Committee Members also decided to amend the terminal hour for recorded music to midnight on Friday and Saturday evenings, as the applicant had indicated that the time shown on the application form (00.30 hours) was an error.

## **5. CLOSE OF MEETING**

The meeting closed at 11.10am.