

Licensing Sub-Committee

16th March 2016

MINUTES

Present:

Councillors Pat Witherspoon (Chair), Roger Bennett and Anita Clayton

Also Present: Ms Laura Mary Lucas, Event Manager, Halfords Support Centre, Mr Paul O'Connor, Group Head of People Development, Halfords and Mr Martin Yapp, local resident

Officers:

Kevin Barnett and Sayful Alom

Democratic Services Officers:

Pauline Ross

9. CHAIR'S WELCOME

The Chair opened the Hearing and introduced the Members of the Sub-Committee and Officers present. At the request of the Chair all other parties present gave a brief introduction.

10. APOLOGIES

No apologies for absence were received.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. APPLICATION FOR A PREMISES LICENCE - HALFORDS SUPPORT CENTRE, ICKNIELD STREET DRIVE, WASHFORD WEST, REDDITCH, WORCESTERSHIRE, B98 0DE

The Sub-Committee was asked to consider an application for a Premises Licence in respect of Halfords Support Centre, Icknield Street Drive, Washford West, Redditch, Worcestershire, B98 0DE.

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Chair

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The application having been submitted in order to apply for the following licensable activities:-

Activity	Days	From	To	Indoors/ Outdoors
Performance of Dance	Everyday	09:00	01:00	Both
Exhibition of Films	Everyday	09:00	01:00	Both
Indoor Sporting Events	Everyday	09:00	01:00	Indoors
Performance of Live Music	Everyday	09:00	01:00	Both
Late Night Refreshment	Everyday	23:00	01:00	Both
Performance of Plays	Everyday	09:00	01:00	Both
Playing of Recorded Music	Everyday	09:00	01:00	Both
Sale of Alcohol	Everyday	09:00	01:00	

The application was subject to a Hearing in light of a representation received from a member of the public objecting to the grant of the premises licence based on the Prevention of Public Nuisance. The representation related primarily to:-

- An increase in noise with amplified music in the open, potentially playing from 09:00 a.m. until 01:00 a.m. over a period of up to two consecutive days, twelve times a year.
- Disturbance that would adversely affect quality of life.

The Technical Officer (Licensing), Worcestershire Regulatory Services (WRS) introduced the report and, in doing so, informed the Sub-Committee that, as detailed in the report, no representations had been received from any of the Responsible Authorities.

At the invitation of the Chair, Ms Laura Mary Lucas, Event Manager, Halfords Support Centre and Designated Premises Supervisor, spoke in support of the application.

Ms Lucas informed the Sub-Committee that she had worked as the Event Manager for Halfords Support Centre for two years and had organised three events for Halfords current colleagues during that period.

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The events had consisted of two annual family fun days held outside on the landscaped grounds of the premises, with the performance of music from 2:00 p.m. until 6:00 p.m. and a World Cup event that was held inside the premises from 4:00 p.m. until 7:00 p.m. No complaints had been received from residents in relation to the three events held.

Ms Lucas further explained the reason for the application. Halfords Support Centre was looking to host their Retail Manager's Annual Conference in April 2016. This annual event was a celebration of achievements and was usually held off site. The Retail Manager's invited to the event had not visited the Halfords Support Centre in Redditch, so it was seen as a good opportunity to hold the annual Retail Manager's Conference at the Halfords Support Centre, in order to provide the managers with an opportunity to visit the site.

Ms Lucas continued and informed Members that during the Retail Manager's Conference a sealed marquee would be erected on the landscaped area of the premises, as indicated on the map submitted with the application. The event would run from the morning with presentations taking place inside the premises during the afternoon. The event would continue into the evening within the sealed marquee situated on the landscaped grounds of the premises, with music being played until 01:00 a.m. The event would take a considerable amount of organisation and her intention was to ensure that there was minimum disruption to nearby residents and local businesses.

In response to Members' questions, Ms Lucas confirmed that events were held for existing colleagues of Halfords and did not include ex-colleagues. The venue was not a social club.

Ms Lucas continued and highlighted that events were time consuming to manage and organise and did cause some disruption to Halfords Support Centre staff. Bearing this in mind, she did not envisage more than a couple of events being held throughout the year, which is why the application suggested a limit of twelve events per calendar year.

There would be a total of 800 people attending the annual Retail Manager's Conference, 600 colleagues and 200 crew members. In order to ensure the safety of colleagues attending the event and to avoid any possible disruption to residents and local businesses, designated parking spaces would be provided during the day for colleagues.

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With regard to the logistics of arranging parking spaces for such a large number of people, Ms Lucas informed the Sub-Committee that she was liaising with local businesses with regard to using their car parking facilities during the day in order to avoid any colleagues having to park on the roadside. For the evening event a number of coaches would be provided, whereby colleagues would be picked up and dropped off at their respective hotels to enjoy the evening event.

At the invitation of the Chair, Mr Martin Yapp, local resident, explained to the Sub-Committee the reasons for his representation.

With the agreement of the applicant and Sub-Committee Members, Mr Yapp provided an area map which detailed the proximity of residential properties near to the site.

Mr Yapp highlighted to Members that residents lived less than 100 metres away from the site. The positioning of a sealed marquee for future events would also be sited less than 100 metres away from a densely populated residential area. Mr Yapp explained that he did not have any issues with Halfords; his main concern was the close proximity to both him and his neighbours; as his neighbours had also expressed their concerns to him with regard to the application being made. They were concerned with the number of events to be held and in particular being disturbed by loud amplified music being played at events held outdoors, with an increase in noise volume during the summer months when residents left their windows open.

In response to questions from Members and the Council's Legal Advisor, Mr Yapp confirmed that his property was situated adjacent to the canteen area of the building and that he had not experienced any issues with lorry noise from the premises; however, his neighbours in Clifton Close had spoken to him with regards to lorry noise at the weekends and low level noise from the generators. Mr Yapp also confirmed that there had been no issues or cause for complaint with the three events that had been held at the Halfords Support Centre over the last two years as they had all finished at a reasonable hour.

The Council's Legal Advisor, advised the Sub-Committee to consider all of the evidence presented before them and that whilst appreciating the concerns raised by Mr Yapp, to only take into consideration actual evidence presented as to existing problems and not perceived problems.

Members should also be mindful that whilst Mr Yapp has expressed the concerns raised with him by his neighbours, no other

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representations with regard to the application had been received and that furthermore no representations had been received from any of the responsible authorities consulted with.

Mr Yapp continued and informed Members that he just wanted some reassurance that a time constraint, for particular entertainment, could be included as a condition should the licence be granted. The time constraint would reassure residents that there would be no disturbance to them when events were held at the premises.

The Council's Legal Advisor informed all those present that the proposed conditions, as offered by the applicant and detailed at section M of the application; were not appropriate in terms of the actual licence applied for. However, should the licence be granted, as a 'good neighbour' gesture Ms Lucas could notify residents of any forthcoming events and provide a contact number for residents should they have any concerns or issues.

All parties then had the opportunity to sum up their cases.

The Technical Officer (Licensing), WRS, referred to the factual evidence presented to the Sub-Committee and the four licensing objectives.

Mr Yapp stated that he had nothing further to add.

Mr Paul O'Connor, Group Head of People Development, Halfords, took the opportunity to sum up. In summing up, Mr O'Connor stated that past events held at the premises had not caused any disturbance to local residents. He was more than happy to provide a contact number to local residents as reassurance. They would then have a relevant contact number should they feel the need to contact someone should they have any concerns about future events to be held at the premises. He would re-iterate that events were solely held for Halfords current colleagues and their families.

Having had regard to:-

- the Licensing Objectives;
- guidance issued under section 182 of the Licensing Act 2003;
- the Borough Council's Statement of Licensing Policy;
- the report presented by the Technical Officer (Licensing), Worcestershire Regulatory Services;
- the application and oral representations made at the Hearing by Ms Laura Mary Lucas, Event Manager, Halfords Support Centre

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- the oral representations made at the Hearing by Mr Paul O'Connor, Group Head of People Development, Halfords;
- the relevant written representation and oral representations made at the Hearing by Mr Martin Yapp, local resident.

the Sub-Committee RESOLVED that the application for a Premises Licence relating to Halfords Support Centre, Icknield Street Drive, Washford West, Redditch, Worcestershire, B98 0DE, be granted, in accordance with the proposed operating schedule, subject to the standard mandatory conditions, but excluding those proposed conditions relating to operation for twelve events per calendar year and informing the licensing authority of each event to be held, as such conditions were not appropriate in terms of the actual licence applied for.

Whilst the Sub-Committee fully appreciated the concerns raised by Mr Yapp, it was clear that there was no actual evidence of existing problems which could properly be regarded as relevant reasons for refusing the application or imposing additional conditions in respect of same.

The concerns raised related purely to perceived problems which may arise and, as such, they should properly be disregarded when considering the application as a whole.

The Sub-Committee noted that no representations have been made by any of the Responsible Authorities, nor by other residents, and, whilst they accepted that other residents may have discussed concerns with Mr Yapp, they could not consider representations which had not been put before them in accordance with the appropriate procedures.

The Sub-Committee took the view that all of the information presented to it, rather than those matters of simple conjecture, pointed to the fact that this was a responsible operator, and the promotion of the licensing objectives would best be served by granting the application applied for.

Clearly, if proper evidence subsequently came to light regarding actual problems at the premises, rather than perceived problems, then it would be open to the police or local residents or any other responsible authority to seek a review of the licence.

The following legal advice was given:

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- that the Licensing Objectives must be the paramount consideration;
- that the Sub-Committee may only have regard to representations which promote the four licensing objectives; and
- that the Sub-Committee must consider only those matters relevant to the premises.

In reaching its decision the Sub-Committee has had regard to the representations made; the provisions of the Licensing Act 2003, the Statutory Guidance issued under Section 182 of the Act and Redditch Borough Council's Statement of Licensing Policy.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision was received by the Applicant.

The Meeting commenced at 5.06 pm
and closed at 6.13 pm