

## LICENSING SUB-COMMITTEE

At a meeting held on Monday, 14 January 2019

Present:-

Councillor N Price (Chairman) in the Chair;  
Councillors Ms V Inman and Mrs J E Mortimer

### 1. ELECTION OF CHAIRMAN

**RESOLVED** that Councillor Neil Price be elected the Chairman for this meeting.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. EXCLUSION OF THE PUBLIC

There was no application for the exclusion of the public and nothing in the papers suggested that the application should be heard in private.

### 4. APPLICATION FOR GRANT OF A CLUB PREMISES CERTIFICATE WHITBY BRUNSWICK CENTRE, BRUNSWICK STREET, WHITBY, YO21 1RB

The Licensing Sub Committee considered a report by the Environment and Regulation Manager (Report 19/11). The Sub Committee has sight of photographs showing how the application was advertised and a video played by Mr A Baskerville.

(i) written representations received from; Fiona Clewlow, Mrs J M Burns and Revd Jennifer Hill.

(ii) written and oral representations received from; Alan & Pam Bowland, Alan Clewlow, Douglas Hill, Adrian Baskerville, Thomas Wood and Bruce Russell.

**RESOLVED** that the application for a club premises certificate be refused.

**Members Reasons:** In coming to its decision, the sub-committee has considered the application on its own merits and has also had due regard to the National Guidance issued under section 182 of the Licensing Act 2003 and Scarborough Borough Councils Licensing Policy. The sub-committee has had due regard to the 4 licensing objectives namely:

The prevention of crime and disorder; Public Safety; Prevention of public nuisance; and The protection of children from harm. After hearing the issues today, it is the licensing objectives of; Prevention of crime and disorder; Prevention of public nuisance and Public Safety that are relevant and consideration has been given to these today.

As a preliminary issue the sub-committee find that the application was advertised in accordance with the Reg 25 Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. This states at para a) ii) that the application must be advertised 'prominently at the premises to which the application relates where it can be conveniently read from the exterior of the premises.'

The Licensing Sub-committee note that the premises falls within the cumulative impact zone for Whitby. The applicant has not satisfied the Sub-committee that the premises will not add to the problems already in the area. The Sub-committee has serious concerns that are backed up by evidence in relation to the prevention of public nuisance heard.

The nature of the locality has to be considered. The area is residential and there has been noise nuisance that has affected Mr Wood, a resident at Endeavour House. There are elderly residents in the area. Mr Baskerville's evidence is also accepted. He has supplied evidence that there has been noise on and off coming from the premises for years. He stated that the church is Victorian and not built to withstand noise. He also states that the windows are not thick enough at the church which is not suitable for large noisy events.

Mr Baskerville played a recording which was from 2014 which showed the extent of the noise and has also provided evidence of more recent problems which have included September 2018.

There is evidence of a cumulative impact created of noise coming from other premises in Whitby both in the written representations and the oral submissions made today.

The applicant has not considered adequately issues relating to soundproofing in the application. Mr McMahon has stated that 'we would look at soundproofing as a management committee.' There have been events at the venue already and the issues relating to soundproofing have not been addressed. The placing of conditions on any certificate would not solve the problem. It is noted that no external advice has been sought and that as volunteers there is understandably no experience of running a club or licensed premises.

In relation to the other areas of concern the impact on public safety due to the location of the venue has not been a concern to us. Not all people attending will be using a car or dropped off by car and cars will in any event be going to the church for non-licensable activities. That is the nature of buildings within town centres.

In relation to crime and disorder we are dealing with a club application. Members of the public would not have access to the club so the application has not been refused under this head.

**Chairman**