

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on THURSDAY, 12 AUGUST 2004

Present: Councillor P A Hyde (Chairman) (In the Chair)

Councillors J G Coxon, R A Evans, P Holland, D Howe, J T Male, G Tacey, D H Wintle and R Woodward

Officers: Miss J Brookbanks, Mr R Eaton, Miss M Lister, Mr J E Peters and Miss E Warhurst

In attendance: David Taylor MP

In respect of the application for a public entertainments licence in respect of Ashby Grammar School:

James Richards, Leicester Road, Ashby de la Zouch  
Rachel Swift, Range Road, Ashby de la Zouch  
Tim Jones, Range Road, Ashby de la Zouch  
David Taylor, North View, Ashby de la Zouch  
Clive Jones, Chairman of Governors, Ashby Grammar School  
Vivienne Keller-Garnett, Head Teacher, Ashby Grammar School  
Anita Allsop, Administrator

An apology for absence was received from Councillor M B Wyatt.

Councillor G Tacey declared a personal and prejudicial interest in the Ashby Grammar School Public Entertainment Licence application on the grounds that members of his family were in the school orchestra which was one of the main users.

The Chairman announced that he had agreed for the determination of an application for the grant of a public entertainment licence in respect of Ashby Grammar School, Nottingham Road, Ashby de la Zouch to be considered as an urgent item at the meeting. The item was admitted to the meeting under Section 100B (4) (B) of the Local Government Act 1972 by reason of special circumstances in that the item of business needed to be considered at a meeting of the committee and the Chair was of the opinion that the item should be considered at the meeting as a matter of urgency.

Chairman's initials

**212. APPLICATION FOR THE GRANT OF AN ANNUAL PUBLIC ENTERTAINMENT LICENCE  
ASHBY GRAMMAR SCHOOL, NOTTINGHAM ROAD, ASHBY DE LA ZOUCH**

Miss Warhurst reported the basis of the application and outlined the procedure for its determination. She advised members of alterations to the circulated report. Firstly, one page had been omitted by mistake and the missing page was circulated by officers at the meeting. Secondly, the objectors whose letter was presented at page 36 of the report, appendix 25, had notified officers that they wished to withdraw their objection to the application. Thirdly, officers circulated a further letter of objection received from Mr and Mrs Harper of Cedar Close, Ashby de la Zouch.

Mrs Keller-Garnett introduced the application. She explained the reasons for the school making the application for a public entertainment licence. Essentially it was a legal requirement so that the school could continue to offer and hold school activities such as orchestral concerts at the school's lecture theatre and adjoining drama studio. The school had wrongly believed that licensing of these entertainments had been covered by the school's theatre licence and the public entertainment licence application had been made after the District Council had contacted the Head Teacher and advised her of the legal position.

Mrs Keller-Garnett gave some background information to the Committee regarding the size of the school, its student intake and age range and its musical tradition. The lecture theatre was used by numerous local groups and each year it held many public performances which were invaluable to the pupils and performers at the school and other local schools.

Mrs Keller-Garnett responded to the grounds for objection to the application. Objectors' main concerns were an increase in noise and disruption to local residents, increased parking on local streets and litter problems. Mrs Keller-Garnett reminded the committee that the school had a theatre licence and to her knowledge no complaints about noise associated with events held in the premises had ever been received. In recognition of the objections the public entertainment licence application had been altered and Mrs Keller-Garnett had agreed to conditions being attached to any licence granted restricting the number of events each week to 3 except that on two occasions during the course of the licence year 4 nights were permitted. In addition she agreed that entertainment would cease at 10.30pm.

With regard to the parking concerns of residents, she advised the Committee that the school had taken measures to prevent parking on local streets. She accepted concerns over congestion which became most difficult at the end of a school day when approximately 700 pupils caught buses. She was not aware of any incident when congestion had blocked the access of emergency vehicles to residential properties near the school. She reminded members that the theatre licence permitted a capacity of 250 persons and the same capacity figure would be attached to a public entertainment licence if granted. The school had parking capacity for approximately 150 vehicles.

Chairman's initials

In respect of the alleged litter problems, Mrs Keller-Garnett acknowledged that the school had received complaints regarding litter dropping. The school had worked with the District Council to improve the matter which she believed was mainly caused by pupils moving between the Leicester Road and Nottingham Road sites. The Council had positioned two additional waste bins on Range Road and the school had installed new waste bins on the school site and members were asked to note the comments of Steve Leeland, Environmental Protection Officer, who confirmed in a memorandum to Joanne Brookbanks that no complaints regarding litter attributed to the school had been received since March 2003.

On the conclusion of the applicants' presentation in support of the public entertainment licence application, the Chairman invited the objectors to present their objections to the application.

Mr Jones outlined the main grounds for the residents' objections which related to noise and general disruption to the neighbourhood mainly from people attending and leaving entertainment events at the school; parking and access problems and concerns caused by increased traffic in the residential area bordering the school and the thoughtless and selfish behaviour of some of those car drivers; and the nuisance of littering.

Mr Jones commented that, although they noted Mr Leeland's comments in his memorandum, that he was unable to find any historical files relating to noise complaints for the school, this did not mean that complaints had not been made.

Mr Jones asked the Licensing Committee to appreciate that the arrival and departure of people at entertainment events at the school did cause significant noise and disturbance to local residents. He stated that the amount of concern had led to action by local residents in 2003 and, in general, the situation had improved but there was genuine concern among residents that the public entertainment licence asking for up to 3 events per week could lead to an increase in problems.

Mr Jones asked the Committee to note that over 30 people had objected to the application and although he realised that one of the grounds of complaint may appear trivial, the littering after an evening event did cause upset and led to vermin infestation. Residents were also pleased that Ashby Local Policing Unit had no recorded instances of emergency vehicles being obstructed by parked vehicles in Range Road during the period 1 January 2003 to 26 July 2004. Mr Jones stressed that this was a situation that residents wanted to maintain.

Mr Jones referred to the letter in support of the application, appearing as appendix 33 of the report, and advised the committee that Mr Hextall was a current governor at the school. The residents felt that it would be unfair to take his comments into account particularly as he held the governor position and also did not reside in the direct vicinity of the school.

Chairman's initials

Finally Mr Jones concluded the objector's presentation by reiterating the grounds of concern in respect of the application. He also pointed out that the school held other types of events which caused the same problems to local residents such as late night noise and disruption arising from disembarkment from school trips. The residents did not seek to stop the activities of the school but were asking the Committee to note the negative effect of holding evening entertainment events on local people. With that in mind, he felt it was fair to request that entertainment finished at a reasonable time in order to limit some of the noise and disturbance to residents and that consideration be given to the parking and access difficulties encountered by local residents when entertainment events took place.

The Chairman invited questions to the applicant from members of the Committee. Members asked questions about the weekly average number of coach trips from the school; the background to the application being made; access to the school; car parking capacity and the occupancy of the lecture theatre.

Mrs Keller-Garnett stated that the school had not received any specific complaints about additional litter being deposited after entertainment performances, however, she admitted that complaints about litter being left during the school day had been made.

In reply to comments made by the objectors, a councillor assured them that all complaints made to the Council Offices whether they were written or verbal were recorded and investigated as appropriate.

The objectors sought clarification on the events which the school were permitted to hold in accordance with a theatre licence and public entertainment licence. The Senior Licensing Officer explained the essential legislative differences between the two licences.

Some concern had been expressed by the objectors during their presentation that other residents had sent objection letters to the Council but those objections were not included in the report. The Senior Licensing Officer confirmed that other objection letters had indeed been received but several objectors had subsequently asked for their objections to the application to be withdrawn. However it was accepted that several letters of objection to the application may not have been received at the Council Offices.

Mrs Keller-Garnett was invited to make a closing address to the Licensing Committee. She summed up by stating that the application had been made to cover occasions when an entertainment licence was required. She stressed that there was no intention to hold more events at the school than were currently being held there. Furthermore she reminded members that the lecture theatre and drama studio had a tiered floor and fixed seating which made public dancing impossible.

At 7.10pm the applicants' party, the objectors' group, Miss Lister, Miss Brookbanks and Mr Taylor MP were asked to leave the room while the Committee deliberated. The parties were invited to return to the room at 7.35pm.

Chairman's initials

RESOLVED:

That a public entertainment licence be granted in respect of Ashby Grammar School, Nottingham Road, Ashby de la Zouch to permit public entertainment under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and that the licence be granted subject to the Council's standard conditions and the following conditions:

- (a) Public entertainment is to be permitted on only 3 days in any one week period.
- (b) On two occasions in any one year, public entertainment can take place for 4 nights in any one week period.
- (c) All public entertainment must cease at 10.30pm.

In respect of the objectors' concerns, the Chairman on behalf of the Licensing Committee asked the school to monitor the alleged litter problems and if necessary take appropriate action. In addition, the Licensing Committee asked that people attending concerts and entertainment events at the school be asked to leave quietly at the end of performances and show respect for the lives and environment of the school's neighbours. Finally the objectors were reminded that the public entertainment licence was granted until the end of March 2005 and if residents continued to have concerns associated with the licence then they should contact the appropriate section at the District Council.

At the conclusion of the urgent item of business Councillor Tacey returned to the Committee at 7.40pm and consideration of the outstanding items listed on the agenda took place.

## **213. MINUTES**

... Consideration was given to the minutes of the meetings held on 21 April 2004 and 10 May 2004 (copies previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meetings held on 21 April 2004 and 10 May 2004 be approved and signed as a correct record.

## **214. GENERAL PROGRESS – LICENSING ACT 2003**

Mr Eaton gave a verbal report on a number of matters relating to the Licensing Act 2003. Firstly, Mr Eaton asked members to note that Roger Butterfield, Licensing Solicitor, had been engaged to present a training day targeted at members of the Licensing Committee at the Council Offices on Monday, 6 September 2004. The training day was a joint exercise with Charnwood Borough Council and would provide an initial grounding in the legislation and its guidance.

Chairman's initials

(a) Statutory Guidance

It was noted that the statutory guidance document had been issued which was a key document in finalising the draft statement on the Council's licensing policy.

(b) First Appointed Day

The first appointed day had been fixed as 7 February 2005. This day would be the start of the transitional period and the Council would be able to receive applications under the Licensing Act on or after that day.

(c) Regulations

Regulations were still awaited. The Government had announced that it would embark on a consultation exercise before the publication of a final set of regulations. It was hoped that the consultation process would be completed by November 2004.

(d) Producing an operation schedule for a premises licence – a guide for applicants

... Consideration was given to the guide for applicants (copy previously circulated and retained with the official copy of the minutes).

Mr Eaton explained the purpose of the guide which would enable applicants to be aware of the likely requirements of the responsible authorities in respect of applications for premises licences so that those requirements could be considered by applicants when producing their operating schedules.

In response to a question about suggested requirements from Leicestershire Constabulary, Mr Eaton confirmed that it would be a decision for the applicants on what measures they would need to put in place to satisfy the licensing objectives. It did not mean that each requirement would be necessary for each premise type.

(e) Leicester, Leicestershire and Rutland Model Enforcement Protocol (draft)

... Consideration was given to the draft model enforcement protocol (copy previously circulated and retained with the official copy of the minutes).

Mr Eaton drew members' attention to several points regarding the protocol, particularly the targeting of high risk premises and the guiding principles for decision making.

## **215. LICENSING ACT 2003 – DELEGATION OF FUNCTIONS**

... Consideration was given to the report of the Head of Administration (copy previously circulated and retained with the official copy of the minutes).

The purpose of the report was to consider who would deal with certain types of applications under the Licensing Act 2003. Members were asked at this stage to approve the delegation details in principle because many regulations were still to be finalised.

Chairman's initials

RESOLVED:

That the delegation arrangements as set out in the attached schedule to the committee report be agreed in principle.

**216. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That in pursuance of Section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 8 of Schedule 12A to the Act.

**217.\*\* LICENSING ACT 2003 – CONSULTATION ON THE STATEMENT OF LICENSING POLICY**

... Consideration was given to the report of the Head of Administration (copy previously circulated and retained with the official copy of the minutes).

The purpose of the report was to appraise members of developments in the joint consultation exercise on the statement of licensing policy framework and to request a decision on the arrangements for the joint consultation exercise.

Members noted that a press release would be issued regarding the consultation exercise which needed to be completed by the end of September. In addition members were informed that the consultant company would be aiming to hold a workshop style meeting in October 2004.

RESOLVED:

That the decision taken to appoint PRCI to undertake the consultation exercise under the Licensing Act 2003 be confirmed.

The meeting terminated at 8.10pm.

Min765cp

Chairman's initials