

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Council Chamber, Duttons Road, Romsey
on Thursday 26 July 2012 at 9.30 a.m.

Attendance:

Councillor A Hope (P) Councillor A Johnston (P)
Councillor A Tupper (P)

Also in attendance:

Mr P Judd, Frankie's Fun Factory Ltd
Mr D Massey
Mrs K Massey
Mr M Viney
Mr C Gardner

1 **Appointment of Chairman**

Resolved:

That Councillor Hope be appointed Chairman for the duration of the meeting.

2 **Minutes**

Resolved:

That the minutes of the meeting held on 2 May 2012 be confirmed and signed as a correct record.

3 **Police Objection to Transfer of a Premises Licence –
Abbey Hotel, 11 Church Street, Romsey SO51 8BT**

The application was withdrawn.

4 **Application for a new Premises Licence – Unit 3, Romsey
Industrial Estate, Greatbridge Road, Romsey SO51 0HR**

The Sub-Committee considered an application by Paul Judd on behalf of Frankie's Fun Factory limited for a new premises licence for the premises known as Frankie's Fun Factory at Unit 3, Romsey Industrial Estate, Romsey SO51 0HR.

The applicant had applied for a Premises Licence which would permit the sale by retail of alcohol for consumption on the premises from 1800 to 2245 hours seven days a week and also permit regulated entertainment by way of recorded music and provision of facilities for dancing from 1800 to 2300 hours seven days a week.

The application had attracted representations necessitating the application to be determined at a hearing. The Licensing Manager reported that the representations from the Hampshire Constabulary had been withdrawn as their concerns were now covered by the suggested conditions to the licence, which the applicant had accepted.

The Applicant, Mr Paul Judd, was invited to address the Sub-Committee. He explained the reason for the application was to expand the business to include private family parties in the evening. He estimated that there would be no more than 2 events per week. There was no intention to sell alcohol during normal daytime working hours.

He assured the Sub-Committee that the events would be managed and commented on the steps taken to promote the four licensing objectives.

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Chairman welcomed the measure proposed by Mr Judd to uphold the licensing objectives which were outlined in the report.

Mr Judd referred to the objections received to the application from the local residents. He suggested that had they mentioned the concerns to him he would have taken steps to address their concerns, but the objections to the license application were the first time he had become aware of them. He had now consulted with the Environmental Health Service to agree a programme of work to mitigate the noise nuisance which was to be in place by the end of October 2012.

The Sub-Committee then heard representations from Mr Massey. Mr Massey stated that the existing noise levels were already unacceptable and caused a public nuisance so to seek to extend the hours of operation was unfair to the local residents. He also suggested that the sale of alcohol would jeopardise the licensing objective for the protection of children from harm.

Mr Massey agreed that he and the other residents had not made their views on the noise nuisance known to Mr Judd prior to the licence application. This had been due to the fact it did not occur after 8.00 pm, but the longer hours of operation were considered unreasonable.

Mr Massey suggested that the change of use for the premises should be addressed before the premises licence was granted. The Legal Officer that should the business expansion plans require a planning application for change of use it should be applied for, but it was not a matter for the Licensing Sub-Committee.

The Sub-Committee were then given to opportunity to ask questions of the representatives of each of the parties and the parties of each other.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

Upon return, the Chairman informed the meeting that the Sub-committee, in reaching its determination upon the matter, had had regard to the National Licensing Guidance issued under Section 182 of the Licensing Act 2003, Test Valley Borough Council's own Licensing Policy, together with the representations made at the Hearing and in writing.

DECISION

Resolved:

That the premises licence be granted.

The Sub-Committee had been mindful of the strong concerns of the local residents at the intensified use of the premises and the potential increase in noise nuisance. However, the Sub-Committee has had regard to Mr Judd's willingness to accept the conditions proposed by the Police and his assurance as to the noise attenuation measures he intends to put in place.

In those circumstances the Sub-Committee was satisfied that the likelihood of noise problems occurring was not great. If problems should occur in the future there are statutory powers available to the Environmental Health Service to deal with such problems and it is also open to Council and local residents to apply for a review of the licence at which time any problems of that sort can be considered.

(Meeting terminated at 11.45 am)