

Minutes of the **Licensing Committee**
of the **Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Thursday 20 September 2012 at 5.30 p.m.

Attendance:

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| Councillor A Hope (Chairman) | (P) | Councillor J Anderdon Vice-Chairman | (P) |
| Councillor I Andersen | (P) | Councillor A Johnston | (P) |
| Councillor A Beesley | (P) | Councillor P Lashbrook | (P) |
| Councillor A Brook | (P) | Councillor N Long | (P) |
| Councillor J Budzynski | (P) | Councillor I Richards | (P) |
| Councillor M Cooper | (P) | Councillor A Tupper | (-) |
| Councillor B Few Brown | (A) | Councillor J Whiteley | (A) |
| Councillor A Finlay | (P) | | |

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Declarations of Interest

In accordance with the Licensing Procedure Rules, Councillors Andersen and Long, as the local ward Members, left the room while the Committee deliberated the decision for item 8.

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Minutes

Resolved:

That the minutes of the meeting held on 26 July 2012 be confirmed and signed as a correct record.

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Minutes of the Licensing Sub-Committee

Resolved:

That the minutes of the Licensing Sub-Committees held on 26 July and 1 August 2012 be received.

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Sexual Entertainment Venue Licence –
The Piston Broke, 43 London Street, Andover

The Committee considered an application for a Sexual Entertainment Venue Licence (SEV) from Elland Promotions Limited in respect of the Piston Broke bar, 43 London Street, Andover. As the Head of Administration did not have the necessary delegated powers, the application must be determined by the Licensing Committee.

The Licensing Manager informed the Committee that these premises were the second within the Borough for which such an application has been made. The Committee at its March 2012 meeting resolved to grant a SEV Licence for The George public house in Andover although the Licence was not subsequently issued as the premises decided it no longer wished to provide sexual entertainment.

The Licensing Manager reported that the application had attracted objections from the Head of Housing and Environmental Health (Environmental Protection Team) to the SEV Licence. They had concerns about the potential noise impact on occupants of the three flats above the premises, Flats 45a, b & c London Street. The premises had been found in the past to be not well sound-proofed and consequently there was a risk of noise transmission associated with accompanying music, raised voices and other boisterous behaviour that might be expected with such entertainment.

The Team was further concerned that the proposed trading hours appeared to conflict directly with those permitted under the terms of the Premises Licence issued under the Licensing Act 2003. This followed a review of the licence on 10 June 2011 whereby two new conditions were attached as outlined in the report. The Committee shared these concerns.

The Licensing Manager reported that the Environmental Health Service were investigating whether the applicant had breached the terms of the Premises Licence by conducting licensable activities outside permitted hours, with a view to taking enforcement action if a breach was established.

The Committee noted that there had been three objections from members of the public, but none from the residents of the flats above the premises. None of the objectors were present.

The Committee was concerned as to the adequacy of responses provided by the Applicant to the questions contained in Annex 5 of the report. However, the Committee was unable to explore those responses further as the applicant was not represented at the meeting.

The Licensing Manager explained that the Council had limited grounds upon which it could refuse a licence and referred the Committee to the grounds set out in the report.

In response to a comment from a Member, the Licensing Manager confirmed that a potential breach of the terms of the existing Premises Licence did not constitute grounds for refusal of the application for an SEV Licence.

The Chairman reminded Members that the applicant had used the exemption available under the legislation to provide sexual entertainment at the premises on 11 occasions within the last 12 months without the need for a SEV Licence and had done so without incident.

The Committee then proceeded to deliberate on the matter in private, with only the Legal Officer and Committee Officer present.

The Chairman announced the Committee's decision in public.

Decision:

That the Sexual Entertainment Licence for the Piston Broke, 43 London Street, Andover be granted.

Resolved:

1. That the application for a Sexual Entertainment Venue Licence in respect of premises at The Piston Broke, 43 London Street, Andover be approved.
2. That the Head of Administration issue a licence for a period of 12 months with the conditions as detailed in Annex 2 attached to the report.
3. Two special conditions be added to the Licence as follows:

No relevant entertainment (as defined in Schedule 3, Local Government (Miscellaneous Provisions) Act 1982) shall take place except between 2100 hours and 2300 hours until full implementation of a noise insulation scheme and the completion of sound testing to verify the effectiveness of that noise insulation scheme to the satisfaction of the Environmental Health Manager or when nobody is residing in the flats above, at which time relevant entertainment will be permitted between 2100 and 0200 the following morning

Relevant entertainment (as defined in Schedule 3, Local Government (Miscellaneous Provisions) Act 1982) shall not take place within the premises except within the basement area.

(Meeting terminated at 6.51 pm)