



SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
LICENSING (2003 ACT) SUB-COMMITTEE

Date of Hearing: 30 July 2015

Members of Panel: Councillor Deborah Roberts - Chairman
Councillor Andrew Fraser
Councillor Alex Riley

Applicant's Name: Mr Douglas Christian

Premises Address: Over Community Association (Over Community Centre)
The Doles
Over
Cambridge
CB24 5NW

Date of Application: 30 May 2015

Application: Review of a Premises Licence

Those present at the hearing:

Sub-Committee	Councillor Deborah Roberts (Chairman) Councillor Andrew Fraser Councillor Alex Riley
SCDC Officers:	Maggie Jennings, Democratic Services Officer Virginia Lloyd, Lawyer Susan Walford, Operational Manager, Environmental Health and Licensing
Applicant:	Douglas Christian
Representees:	Brian Burling, Trustee for Over Community Centre Sean Watkiss, General Manager, Over Community Centre
Witnesses:	Nick Atkins, Environmental Health Officer, SCDC Police Sargent Rabel, Histon Police Station Juli Stallabrass, Licensing & Communities Officer, SCDC

The Application

Review of Premises Licence at Over Community Centre, The Doles, Over.

Considerations

The Sub-Committee considered the application very carefully and had due regard to the Licensing Act 2003, accompanying Guidance and Regulations, the South Cambridgeshire District Council's Licensing Policy and to the written representations received.

Thirteen representations were received in response to the application; these were contained in the agenda papers for the hearing.

Mr Christian wished to introduce further photographic evidence and noise recordings in relation to the event held on 25 July 2015. The representees of the Centre did not agree to the late submission of the evidence and noted that the event was not a licensable activity in any case. Consequently, the Sub-Committee ruled that this documentary evidence was inadmissible and would not be considered.

Mr Christian addressed the Sub-Committee and made the following statements:

- He advised of noise intrusion into his property and informed the Sub-Committee that he had made stage 1 and 2 complaints to SCDC and also to the Ombudsman.
- He and his wife moved to their address in May 2013 and there was no noise disturbance until November 2013 when he made his first complaints. He requested that the Centre turn down the music in July 2014 which they failed to do. He has made complaints to the Police. He stated he had recordings of noise nuisance at 65 decibels. His wife has Alzheimers and he is her carer. The noise nuisance has caused anxiety and sleep disturbance.
- He agreed that the limiter at the Centre had been adjusted to his satisfaction in January 2015 and that the situation had improved initially.
- Recently, he has made further complaints about noise nuisance to the Council. He refers to the birthday party which took place on 25 July 2015 at which there was a live band. He claimed that the doors were not shut during the event but conceded he had not verified this himself.

Ms Walford addressed the Sub-Committee and made the following statements:

- She made representations that the decision must adhere to the 4 key licensing objectives including the prevention of public nuisance.
- She confirmed that there had been no new complaints other than those contained within the report.
- She clarified that there is no decibel reading that would in itself constitute a nuisance but rather that the level of interference, the time of day, frequency and distance would be considered in determining if a nuisance had occurred.
- She referred the Sub-Committee to the guidelines on licensable activity.

Ms Stallabross addressed the Sub-Committee and made the following statements:

- She confirmed that she had been present with the Environmental Health Officer in January 2015 when the noise limiter was adjusted to the satisfaction of Mr Christian and that bass notes had been taken into consideration.
- She confirmed that an electrical engineer is required to reset the noise limiter and that it could not be accessed by the public.
- She further confirmed that the limiter could not be switched off and was on all the time

Sgt. Rabel addressed the Sub-Committee and made the following statements:

- He had received four complaints from Mr Christian. He is the only complainant and the Police considered that the venue was not problematic and they had no cause to address the complaints with the Centre.

Mr Atkins addressed the Sub-Committee and made the following statements:

- He advised that the Environmental Health Officer who had attended at the Centre to set the noise limiter had left the Council and that he was referring to records and had not visited the Centre.
- He confirmed the contents of his report which had concluded that there had been no evidence of a statutory nuisance and further that as an Environmental Health Officer he could find no evidence of breach of a licensing objective.

Mr Watkiss addressed the Sub-Committee and made the following statements:

- He informed the Sub-Committee that he had been a manager at the Centre for 10 years. The Centre worked hard to maintain good relations with

neighbours in close proximity to the Centre. The Centre followed all procedures and there was a noise limiter in the hall. There are notices around the Centre asking customers to leave quietly. They had had a range of events over the past 10 years and many private parties. They had never received any complaints in the past. On the booking form, those hiring the premises are made aware of the limiter and the need to keep the windows and doors closed.

- He had worked with Council Officers and done everything to comply with their requests. He had agreed to the noise limiter being reduced and in February / March 2015 there had been no complaints. The Council had been monitoring events since then and there was no evidence of noise nuisance.
- Of the complaints made by Mr Christian, three of the five related to events taking place between 14:00-16:00 and the other complaints related to Zumba at 20:00-21:00.
- He advised the Sub-Committee that he had had no conversation with Mr Tyler or Ms Dundee and was not aware of their complaints.
- He confirmed that he did ask his staff to ensure that the doors and windows were kept closed. The hall had no windows and other windows were locked and only duty managers had keys.
- He confirmed that licensable activities finished at midnight and that the Centre was open every day. The bar area was open from 17:00-23:00 Monday to Friday and from 12:00-23:00 on Saturday and Sunday.
- He further confirmed that the light system on the noise limiter was visible and that if it is red, the electric cuts out. He makes disco organisers aware of this.
- He advised that the doors did have automatic closers.

Mr Burling addressed the Sub-Committee and made the following statements:

- He confirmed his role as one of 5 trustees of the Centre which is run as a charity. He was the Parish Council representative on the Board of Trustees. The Centre struggled to make a profit and relied on grants. It was important to carry on running functions to maintain the viability of the Centre. The Parish Council fully supported the Centre.
- The trustees were aware of the complaints and he proposed that there should be a full staff meeting at which he would emphasise that doors and windows should be shut, particularly between 23:00–08:00. He had an understanding of the alleged nuisance and it would form a monthly agenda item.
- The Centre would consider additional mitigation measures to the fabric of the building. He would take advice from Council Officers and an acoustic expert.
- He noted that noise levels after 23:00 had been cited as an issue and if windows were open after 23:00, then they would need to take more drastic measures. The Centre would continue to work with Environmental Health Officers.

Mr Christian addressed the Sub-Committee and made the following closing statement:

- He indicated that he considered that the problem could be resolved if they worked together. He did not want the Centre to suffer but wanted the noise to stop.

Decision

On the basis of these considerations, and in furtherance of the licensing objective of preventing public nuisance, the Sub-Committee decided that there was no evidence

that there had been a breach of the Licensing Act 2003 or any conditions imposed upon the Centre as part of its licence.

- Recent complaints referred to by Mr Christian related to activities which were not within the scope of the Licensing Act 2003. The Sub-Committee noted, following earlier complaints by Mr Christian, that the Community Centre, Licensing Officers and Environmental Health Officers had worked with him to re-set the noise limiter to his satisfaction in January 2015.
- More recently, Mr Christian has lodged further complaints of noise nuisance against the Centre, with the most recent complaint relating to a party on 25 July 2015. The Sub-Committee established that these complaints related to non-licensable activities and were not within the scope of the Licensing Act 2003.
- The Sub-Committee noted Mr Christian's caring responsibilities in respect of his wife, and the proximity that he lived to the Centre. It also took into account the assurances given by Mr Watkiss and Mr Burling on behalf of the Centre. Noting that the Licensing Act 2003 provides the Sub-Committee with a range of powers it may exercise to promote the licensing objectives, it made the following recommendations for improvement:
 - That the Centre ensures that it keeps all windows and doors shut between the hours of 23:00 and 08:00 and in accordance with the conditions of its licence;
 - That there be regular, minuted staff meetings with the managers and trustees of the Centre at which any issues relating to complaints of noise nuisance are addressed; and
 - That the Centre continues to work with Environmental and Licensing Officers to address any complaints of noise nuisance.

The applicant has a right of appeal to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

Signed:

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Councillor Deborah Roberts (Chairman)

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Councillor Andrew Fraser

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Councillor Alex Riley

Dated: 30 July 2015