

CITY OF PLYMOUTH

Subject: Elburton Methodist Church, Springfield Road,
Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 24 August 2010

Cabinet Member: Community Services Street Scene Waste and
Sustainability
Councillor Michael Leaves

CMT Member: Director of Community Services

Author: Peter Clemens
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Contact: 01752 305465

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from the Managing Trustees of Elburton Methodist Church in respect of the Elburton Methodist Church Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2010- 2013:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Informing and involving residents.
 2. Improving culture and leisure activities.
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Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable.

Other Implications: eg. Section 17 - Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 8th July 2010 the licensing department received an application from the Managing Trustees of Elburton Methodist Church for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of the Elburton Methodist Church situated at Springfield Road Elburton, Plymouth.

1.2 Grant application.

The application is to carry out licensable activities within the church and church hall

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(A) Plays (Indoors)

Monday to Sat

10.00hrs to 23.00hrs

Sun

14.00hrs to 22.00hrs

(B) Films (Indoors)

Days and timings as above

(E) Live Music (Indoors)

Days and timings as above

(F) Recorded Music (Indoors)

Days and timings as above

(G) Performance of Dance (Indoors)

Days and timings as above

(I) Provision of Facilities for Making Music (Indoors)

Days and timings as above

(J) Provision of Facilities for Dancing (Indoors)

Days and timings as above

(K) Provision of Facilities for Entertainment of a Similar Description to that falling within (I) or (J) (Indoors)

Days and timings as above

(O) Hours Premises are Open to the Public

Mon to Sat

10.00hrs to 23.00hrs

Sun

09.00hrs to 22.00hrs

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Devon & Cornwall Constabulary* – no representations.
- 2.2 *Environmental Health* – no representations
- 2.3 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.4 *Trading Standards* – no representations
- 2.5 *Planning Officer* - no representations.
- 2.6 *Child Protection* – no representations
- 2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

1- letter of representation has been received from a resident living within the vicinity of the premises (Appendix 1).

4.0 CONSIDERATIONS

- 4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Clemens, Peter (DEVELOPMENT)

From:
Sent: 04 August 2010 09:42
To: Licensing (DEVELOPMENT)
Subject: FW: Elburton Methodist Church application for a Premises licence / club premises certificate

From:
Sent: Tuesday, August 03, 2010 10:11 PM
To: Info
Subject: Elburton Methodist Church application for a Premises licence / club premises certificate

To whom it may concern,

Elburton Methodist Church application for a Premises licence / club premises certificate

As i am a directly link neighbour to the church i have to air my extreme opposition to the granting of this licence. When i first moved into this property i brought it in the knowledge that on a Sunday morning there will be singing coming through my walls on a Sunday morning for about an hour. The reduced price i paid for the property and the fact that the house had been on the market for approximately 12 months in what was then a fluid property market reflects the fact that it is not everyone's idea of heaven to have hymns coming through the walls. Whilst this noise level was something i was prepared to put up with for an hour every sunday i did not expect to now have to tolerate the noise generated from dances, concerts, disco's, live bands and anything else they care to take money for.

IF this application is granted an unacceptable amount of noise which is not directly attributable to the church and it's congregation will invade my front room through it adjoining walls. Had i moved next door to a theatre hall or a night club some people would argue that i was getting what i paid for. However, i did not. My house will become completely unsellable at anywhere near it's current market value. This is completely unacceptable and frankly, unnecessary as there are many other detached venues in the area that can facilitate all of the functions that the church are indicating they wish to provide a service for. Do we really need another one.

I am not alone in my thoughts as several of my other neighbours are also extremely upset at this prospect.

Within a distance of 50 metres of the church there are in excess of 10 properties that would be effected by noise coming from the church not to mention the parking congestion caused by potential attendees during these functions.

I would ask that before any such application is approved, more time should be spent canvassing the local residence regarding the lack of necessity for yet another entertainments venue in such close proximity to the ones already in existence.

My front room has the potential to become polluted with an unacceptable level of music which i am convinced would make my house unsellable. However, right now all i would want to do is move. This will mean a loss of a lot of my property's value. If i could sell at all.

Yours,

Springfield Rd,
Elburton