

APPENDIX A

WAVERLEY BOROUGH COUNCIL
LICENSING SUB-COMMITTEE 'A'
23 MARCH 2009

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –
CHARTERHOUSE, CHARTERHOUSE ROAD, GODALMING GU7 2DF

[Wards Affected: Godalming Charterhouse]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application for a new premises licence submitted by Charterhouse, Charterhouse Road, Godalming, under the Licensing Act 2003, where representations have been submitted.

Current Licensed activities

2. Charterhouse (the School) holds some licences for various parts of the school buildings. In the summer of 2008 it obtained a one-off licence for an outdoor concert in the grounds. There were no representations made in respect of that application, which was accordingly granted under the approved Scheme of Delegation. Charterhouse has now applied for an on-going licence to hold events in the grounds on three days per year.

Activities sought under the new Premises Licence application

3. The applicant wants the licence to cover three dates in any year, these to be between 1st April and 31st October. Attendance for more than 5,000 people at an event attracts an additional fee, depending on the number stated. The maximum attendance stated in this application is 6,000 people, which is the same as the maximum attendance for the 2008 event. The application is for a premises licence for the following licensable activities, as shown in the extract of the application form at Annexe 1 attached, all on not more than three dates per year. Supplementary information is also shown (Box P information):

<u>Live Music</u> (box E)	Friday and Saturday - 1400 to 0000, Sunday 1400 to 2300;
<u>Sale of alcohol</u> (Box M)	Friday and Saturday - 1200 to 2330, Sunday 1200 to 2230
<u>Hours of opening</u> (Box O)	Friday and Saturday - 1200 - 0100, Sunday 1200 to 2300

Licensing Objectives

4. The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives.
 - Prevention of Crime and Disorder

- Public Safety
- Prevention of Nuisance
- Protection of Children from Harm

Plan of the licence site

5. Attached to this document at Annexe 2 is a plan showing the area of the premises and surrounding area.

Representations received

Representations from the Responsible Authorities

6. As the Sub-Committee will be aware, there are seven responsible authorities who may comment and negotiate with licence applicants if they consider it appropriate. The Responsible Authorities have discussed conditions with an applicant, but as the application has come before a Sub-Committee it is for the Sub-Committee to agree and confirm (or amend) the conditions as appropriate. Surrey Police have raised no objection to the application, subject to the revised wording at Box P of the application, which allays their concerns. This has been accepted and submitted as an amendment by the applicant in the usual way and is now part of the application papers, at Annexe 1. The Planning Department has confirmed that it has no objection to the application.
7. Environmental Health has two roles as responsible authority under the Act. It has been in discussion with the applicants in respect of both the Public Safety and Prevention of Public Nuisance licensing objectives. It has submitted two representations will need to be considered by the Sub-Committee, and any outcome of discussions, such as proposed conditions on any licence granted, confirmed. There have been no representations from the remaining Responsible Authorities (Surrey Fire and Rescue Service, Trading Standards, Surrey Children's Service).

Representations from Local Residents

8. Some 16 letters of representation have been received from local residents, attached at Annexe 3. The writers have been invited to attend the meeting, and may support their representations to the Sub-Committee. As a significant number of representations have been made, it may be prudent for those attending to appoint a spokesperson before the meeting starts, to present their case, although anyone who feels that their own points have not been covered will be permitted to address the meeting.

Conditions Proposed by the Responsible Authorities

Public Safety

9. The Environmental Health Section has proposed the following condition in relation to Licensing Objective 2 - Public Safety:

'The Licensee shall assess all major risks and provide an event risk assessment to the licensing authority at least 28 days prior to the start of each event.'

Prevention of Public Nuisance

10. The Environmental Health Section has proposed the following 11 conditions in relation to Licensing Objective 3 - Prevention of Public Nuisance, and their representation is reproduced in full at Annexe 4
 1. The licensee will provide a point of contact to the Environmental Health Section for the duration of the event by nominating a named person and telephone number.
Reason: Prevention of Public Nuisance.
 2. The music noise level (Leq) shall not exceed 65 dB(A) over a 15 minute period at 1 meter from the nearest noise sensitive property, or a level set by the Environmental Health Section. This includes sound levels being monitored continuously throughout the entire event, by representatives for the promoter. On site local authority representatives shall be working with them when available. Special consideration will be given to frequencies with good propagation characteristics; typically the bass octaves centered around 63 Hz and 125 Hz to ensure they do not exceed 70 dB.
Reason: Prevention of Public Nuisance. The levels put forward are from the code of practice and were adhered to during the Jools Holland concert. Due to the number and nature of the complaints received in 2008, the Environmental Health section would like to keep the option of setting the level of the music if they feel that by granting this licence, the noise from the events may or do cause a statutory nuisance under the Environmental Protection Act 1990.
 3. The sound system shall be managed and operated in a responsible manner at all times.
Reason: Prevention of Public Nuisance.
 4. Designated qualified personnel shall be present at the sound control position for the duration of the event for the purpose of ensuring that condition 3 is complied with.
Reason: Prevention of Public Nuisance.
 5. Access to the sound control position shall be afforded to the representatives of the Director of Community Services at any time throughout the event and during any sound checks.
Reason: Prevention of Public Nuisance.
 6. A telephone complaints hotline will be made available for the duration of the sound checks and concert. Should complaints of noise arise, at any time during the event, the promoters acoustic representative will visit the area of complaint and appropriate action will be taken. The Environmental Health Section staff on site will be informed of any complaints that arise.
Reason: Prevention of Public Nuisance.

7. A competent and suitably experienced Noise Control Consultant (NCC) and Noise Control Team (NCT) will be appointed for events where necessary. The need for a Noise Control Consultant will be agreed with the Licensing Authority prior to each event.

Reason: Prevention of Public Nuisance.

8. There will be continual off-site monitoring conducted for the duration of the event where a Noise Control Consultant is required. Off site environmental music levels will be continually reported back to enable prompt regulation of the stage levels as necessary.

Reason: Prevention of Public Nuisance.

9. The licence holder will ensure that all aspects of the operation of the event and provisions made for the event are in compliance with the Event Management Plan as they relate to the prevention of Public Nuisance.

Reason: Prevention of Public Nuisance.

10. A letter/flyer shall be delivered to local residents two weeks before the event, which shall include the following information:

- The dates and times of the set up and breakdown activities
- Dates and times of sound checks and tests of the public address system
- Times of background music
- Times for the main performance and any other support acts
- Details of the hotline number

The content and proposed area of distribution of the letter/flyer shall be agreed with the local authority.

Reason: Prevention of Public Nuisance. The flyer is an efficient way of communicating with the public and is commonly used by other events. Many of the complainants would not see the notice boards and not all belong to the Residents Associations. There are many properties in close proximity to the grounds of Charterhouse and will be affected by the granting of this licence. Prevention of public nuisance can apply to this condition because if the nearby residents are forewarned of the events, they are much more able to make alternative arrangements for the evening and/or accept the noise as a short term inconvenience rather than the shock of very loud amplified music without warning on a warm summers evening. The sound levels at the event last year were extremely loud at the property visited by Environmental Health staff, even though the volume was within the guidelines.

Environmental Health would be willing to see this recommended condition waived if it were incorporated into the Noise Management Plan.

11. The times of the live music under Part E of the licence, Live Music – Standard days and timings, has been changed to an earlier time than applied for. The accepted times are:-
Fridays and Saturdays – 14.00 to 23:00,
Sundays – 14:00 to 22:30 .

Reason: Prevention of Public Nuisance.

What the Sub-Committee may do

11. The Sub-Committee, after hearing from the applicant and those making representations, including the Responsible Authorities, may take one or more of the steps listed below in order to promote the Licensing Objectives which have given rise to the representations in this case. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for any applicant or any objector to appeal to the Magistrates' Court against the Licensing Sub-Committee decision. The Sub-Committee may:
- Grant the application as submitted; or
 - Refuse the application; or
 - Reduce or refuse parts of the application submitted,
 - Add conditions to meet the Licensing Objectives if the Sub-Committee considers it necessary in the light of the representation received, this to include conditions proposed by the responsible authorities as required by the Sub-Committee.
12. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, as it applies to this application - paragraphs 9.19 to 9.28 - is attached as Annexe 5.

Subsequent Developments in this Application Procedure

13. Any further amendment to the application is to be submitted to the Licensing Officer, in a form which can be circulated, prior to the meeting.

Recommendation

It is recommended that the application for a new premises licence for Charterhouse, Charterhouse Road, Godalming be considered and determined with regard to the representations received, statutory guidance and the Council's Statement of Licensing Policy 2008 - 2010. The Sub-Committee must take such steps (if any) as it considers necessary to promote the Licensing Objectives, having heard from the applicant and those making representations.

Background Papers (CEX)

Application referred to above, representations referred to above.

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