

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'A'
23 MARCH 2009

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
27 APRIL 2009

(To be read in conjunction with the Agenda for the Meeting)

- * Cllr Mrs Gillian Beel
- * Cllr Bryn Morgan
- * Cllr Mrs Elizabeth Cable

* Present

17. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Mrs Gillian Beel was elected Chairman for this meeting of Sub-Committee A.

18. MINUTES (Agenda Item 2)

The Minutes of the Meeting held on 22 December 2008 were confirmed and signed.

19. DISCLOSURE OF INTERESTS (Agenda Item 3)

The Head of Democratic and Legal Services informed the meeting that following an event at Charterhouse School in August 2008, Cllr Mrs Beel had received complaints from local residents and a telephone call from the Charterhouse Bursar. Cllr Mrs Beel had received these calls in her capacity as Chairman of the Licensing and Regulatory Committee and it would in no way influence her consideration of this application.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

PART II – Matters reported in detail for the information of the Committee

20. LICENSING ACT 2003 - APPLICATION FOR NEW PREMISES LICENCE – CHARTERHOUSE, CHARTERHOUSE ROAD, GODALMING GU7 2DE
(Agenda Item 4; Appendix A)

- 21.1 The Licensing Officer introduced the application and clarified the times of live music applied for and brought attention to the displayed plan of Charterhouse grounds that showed the stage area, the area to be licensed under the premises licence applied for and public and parking areas that would be

accessible to the public should the licence be granted. The applicant confirmed that the plan attached to the agenda as annexe 2 showed the area intended for the premises licence.

- 21.2 A qualified acoustic consultant with experience in dealing with noise control, including outdoor concerts and festivals, had been engaged by the applicant to act as their representative on noise issues.
- 21.3 The applicant's acoustic consultant conceded to the Sub-Committee that Charterhouse had recognised that the noise levels experienced by local residents during the event in August 2008 were totally unacceptable. As a result he had been employed by Charterhouse to provide a Noise Management Strategy and to liaise with the Responsible Authorities (mainly the Council's Environmental Health Section) to ensure any future event would have minimal impact on the local community.
- 21.4 The applicant's acoustic consultant outlined the conditions to the licence proposed by the Council's Environmental Health Section to address public safety and public nuisance issues and confirmed that the School would accept those conditions should the licence be granted.
- 21.5 The Council's Acting Head of Environmental Health drew attention to a letter from the applicant's acoustic consultant to the Council's Senior Environmental Health Officer that confirmed acceptance, and proposed an amendment to a proposed condition to the licence that required event risk assessments for public safety. The Sub-Committee and all parties present agreed that a copy of this letter could be tabled.
- 21.6 The nine objectors present then supported their representations. Their main concern was noise nuisance and the prolonged hours sought by the applicant in the application form for the performance of live music. The applicant said it was not their intention for live music to exceed five hours at any one performance, including setting up time, but they required the flexibility to choose when the performance would occur within the hours applied for.
- 21.6 The objectors present were concerned that any event scheduled over a three-day period might involve overnight camping and cause further nuisance. The applicant said that camping would not be allowed during any event and each day would be treated as an individual event, as would be allowed for in the licence.
- 21.7 Following a request from the objectors present to limit the duration of the licence to one year in the first instance, the Licensing Officer advised that the application was for a permanent licence and could only be considered as such by the Sub-Committee. The Council's Solicitor was in agreement and added that should the licence be granted the legislation allowed for residents to contact the licensing authority in the future with any cause for concern about nuisance from events, which could lead to a formal review of the licence. The Acting Head of Environmental Health explained that if his service was unhappy with any nuisance caused by events held under the licence, he would consider seeking a review of the licence.

- 21.8 The objectors present did not consider that the two-week period of notice of an event proposed by Charterhouse was long enough for them to consider their own personal arrangements. The applicant said that as they would need to arrange the event up to five months in advance, they would undertake a leaflet drop and liaise with the residents' association at that earlier stage.
- 21.9 Following closing statements by all parties present, the Sub-Committee then withdrew at 12.24 p.m.
- 21.10 Following the Sub-Committee's deliberation the meeting resumed at 2.21 p.m.
- 21.11 The Chairman informed the hearing that during their deliberations the Solicitor to the Council was asked to advise the Sub-Committee on suitable wording for a condition.
- 21.12 The Sub-Committee did not consider that the application conflicted with the Licensing Objectives relating to the Prevention of Crime and Disorder (LO1), and Protection of Children from Harm (LO4).
- 21.13 The Sub-Committee RESOLVED to GRANT the application for three days per year, not more than two of which shall be on consecutive days, with Conditions as follows:-

The following Conditions, as identified in the agenda report and amended as indicated in italics, shall therefore be applied to the Premises Licence:

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

Reason: Public Safety (LO2)

2. 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.
3. 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 *at any event, or at a lower level set by the Environmental Health Section*. This includes sound levels being monitored continuously throughout the entire event, by representatives for the *premises licence holder*. 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 centred around 63 Hz and 125 Hz to ensure they do not exceed 70 dB.
4. The sound system shall be managed and operated in a responsible manner at all times.
5. Designated qualified personnel shall be present at the sound control position for the duration of the event for the purpose of ensuring that Condition 4. is complied with.

6. 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.
7. 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.
8. A competent and suitably experienced Noise Control Consultant (NCC) and Noise Control Team (NCT) will be appointed for *all* events.
9. There will be continual off-site monitoring conducted for the duration of *all* events. Off site environmental music levels will be continually reported back to enable prompt regulation of the stage levels as necessary.
10. 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.
11. A letter/flyer shall be delivered to local residents *by Charterhouse at least five months prior to any event and again two weeks before any 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 numberThe content and proposed area of distribution of the letter/flyer shall be agreed with the local authority *and in consultation with local residents' representatives*.

Reason: (Conditions 2-11) To address concerns relating to noise nuisance, particularly over a prolonged period of time and in the light of previous noise disturbance.
Prevention of Public Nuisance (LO3)

For clarification, the permitted hours for the licence had been amended as follows:

Live Music:

14.00 – 23.00	Friday and Saturday
14.00 – 22.30	Sunday

Sale of Alcohol:

12.00 – 22.30	Friday and Saturday
12.00 – 22.00	Sunday

Hours open to the public:

12.00 – 24.00	Friday and Saturday
12.00 – 23.30	Sunday

The Sub-Committee reminded the objectors that should they have cause for concern in the future the legislation allowed for members of the community to contact Waverley Licensing Authority with complaints over the operation of any future events at the premises, leading to a possible review of the licence.

The applicant also had the opportunity to contact the licensing authority in the future to apply for a variation to the licence.

The meeting commenced at 10.00 am and concluded at 2.28 pm.

Chairman