



- 7.3 Waverley Environmental Health Service (the applicant) outlined their grounds for requesting the review following complaints received over a period of time regarding noise nuisance relating to loud music, and the failure of the designated premises supervisor to comply with noise abatement orders.
- 7.4 Surrey Police as a responsible authority outlined their reasons for supporting the request for the review on the grounds of crime and disorder, public safety and protection of children from harm.
- 7.5 Surrey Trading Standards as a responsible authority outlined their reasons for supporting the request for the review on the grounds of protection of children from harm following a failed test purchase.
- 7.6 A local resident was present and gave his reasons on the grounds of noise nuisance for attending the hearing in support of the review. The Sub-Committee also took into account the written representations from other residents.
- 7.7 The House of Blues Designated Premises Supervisor (DPS) was supported by a friend who spoke on his behalf and disputed that all complaints made were as a result of loud music from that premises. He pointed out that there were other licensed premises in the immediate vicinity that also played music and questioned whether all complaints could be proved to relate to the House of Blues premises.
- 7.8 With the agreement of the Sub-Committee and all representatives present, the Environmental Health Officer displayed a map that showed the area from which residents had complained and from which officers had monitored excessive noise, and on site visits the duty Environmental Health Officer had confirmed that the noise complained of came from the House of Blues.
- 7.9 The spokesman for the House of Blues detailed the steps the DPS had taken to try and reduce noise escape by installing soundproofing, double and triple glazing and blocking up some windows. The Environmental Health Officer agreed that efforts had been made to reduce noise escape but these were not effective.
- 7.10 Following a request from Surrey Police, the Sub-Committee and all parties present agreed to the showing of CCTV footage taken of the outside of the premises as it was considered relevant to the proceedings.
- 7.11 The spokesman for the House of Blues agreed that there had been issues of under-age drinking and exceeding the premises capacity, but disagreed with the Environmental Health list of dates of complaints attributed to that premises and produced a document listing disputed dates. The Sub-Committee received advice that all parties present should be able to have access to the list and subsequently the hearing was adjourned from 11.35 am to 11.49 am. When the hearing resumed the Environmental Health Service was able to correlate dates to complaints over loud music.

- 7.12 Following further questions from the Sub-Committee and final submissions from the spokesman for the Designated Premises Supervisor, applicant, responsible authorities and the objector present, the Sub-Committee withdrew at 12.53 p.m.
- 7.13 Following the Sub-Committee's deliberation the meeting resumed at 2.41 p.m.
- 7.14 The Head of Democratic and Legal Services informed the hearing that during the Sub-Committee's deliberations the Council's Solicitor and the Head of Democratic and Legal Services were asked to advise the Sub-Committee on the timescale for decisions and appeals against the decision and the role of the Designated Premises Supervisor.

In conclusion, the Sub-Committee considered that the Licence Holder had not conformed with the Licensing Objectives relating to

- Public Safety (LO2)
- Prevention of Nuisance (LO3)
- Protection of Children from Harm (LO4)

and has therefore RESOLVED to

- exclude the provision of live music, performance of dance, making music and facilities for dancing and recorded music from the premises licence; and
- remove the Designated Premises Supervisor

The above to be in effect from 11.00 Monday 14 September 2009.

The reason the Sub-Committee has made the decision to reduce the activities permitted under the licence is to prevent noise and disturbance in the local area and to help address the concerns raised locally.

The Sub-Committee considered that the current Designated Premises Supervisor has not dealt adequately with the complaints received over some time raised by Waverley Borough Council Environmental Health Department, Surrey Police and Surrey Trading Standards nor addressed the Licensing Objectives.

The Sub-Committee suggests that any new Designated Premises Supervisor works with the Waverley Borough Council Environmental Health Department to ensure that an effective noise management policy is in place prior to any future application for a variation to the licence to reinstate music.

The Chairman reminded the licence holder that he had a right of appeal to the Magistrates Court against the decision of the Sub-Committee.

**The meeting commenced at 10.00 am and concluded at 2.45 pm.**

Chairman