

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'A'
19 DECEMBER 2011

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
16 FEBRUARY 2012

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

- * Cllr Gillian Beel
- * Cllr Elizabeth Cable
- * Cllr Brett Vorley

* Present

7. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Elizabeth Cable was elected Chairman for this meeting of Sub-Committee A.

8. MINUTES

The minutes of the meeting held on 15 August 2011 were confirmed and signed.

9. DISCLOSURE OF INTERESTS (Agenda Item 2)

No interests were declared under this heading.

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

10. LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – THE FREEHOLDERS, ST JOHNS STREET, FARNCOMBE, GODALMING, SURREY GU7 3EJ (Appendix A)

- 10.1 The Licensing Manager introduced the application and outlined the matter that the Sub-Committee was being asked to decide. The Licensing Manager told the Sub-Committee that there had been one representation from Waverley Borough Council Environmental Health, who were present at the hearing, and one objection from an interested party, who was also present at the hearing.

- 10.2 The premises licence holder gave a brief history of the events leading up to the application and the improvements made by the present designated premises supervisor (DPS) by way of modernisation and soundproofing to the first floor venue room. He then introduced the designated premises supervisor and her partner and venue promoter who would be acting as the applicant's representative.
- 10.3 Following questions from the Sub-Committee the applicant's representative said that the decision to make an application to increase the number of nights per week for live music to five had been taken following soundproofing to the first floor venue room and the success of events undertaken so far. This was further supported by the fact that the premises had not received any formal complaints over the past two years regarding noise nuisance. It was not intended to increase the volume level of the music and Environmental Health had undertaken tests on noise levels the previous week and their readings were not outside acceptable levels.
- 10.4 The applicant's representative said that the majority of the clientele were not younger people, and the premises operated a Challenge 21 policy and were members of PubWatch. With the agreement of all present promotional literature was then tabled showing the type of music and comedy events that had taken place at the venue. The applicant's representative then went on to say that the music was usually played between 8.30pm and 10.30pm. Although the sound limiter previously installed in the first floor room had been removed by the previous tenant, a combination of newly installed soundproofing and a professional sound engineer who monitored music levels and kept them at an acceptable level for the audience, who sat mainly at tables to listen to the musicians.
- 10.5 Environmental Health then made their representation. The Environmental Health Officers tabled a complaint history that summarised those relating to music and how many were substantiated. Environmental Health Officers had also visited the premises the previous week due to a number of recent complaints. They noted that a sound limiter was installed on the ground floor and set to an acceptable standard, and that the first floor room had been soundproofed. Following checks in both adjacent roads with music simulating a live event in the first floor function room, officers determined that there was no discernable noise escaping from the premises. Environmental Health Officers therefore concluded that the steps taken by the DPS were sufficient to mitigate noise nuisance and the level of noise that escaped from the premises was low.
- 10.6 The objector to the application then made his representation. He maintained that music could be heard both outside and inside his house, which was approximately 100 yards from the premises and this affected his life as he could not sit in his garden and had to shut his windows in order not to hear it. The objector said that he had met with the applicant's representative when they had first taken over the premises regarding noise nuisance. The objector maintained that until the arrival of the new DPS there had been no problem with noise emanating from the premises and was concerned that the reason

for this was due to the removal of the noise limiter from the first floor function room.

10.7 The Sub-Committee then withdrew at 11.19 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 12.05 p.m.

During the deliberations the Principal Solicitor was asked to advise the Sub-Committee on suitable wording for their decision.

In conclusion, the Sub-Committee did not consider that the application conflicted with the Licensing Objectives relating to:

- Prevention of Crime and Disorder (LO1)
- Public Safety (LO2)
- Protection of Children from Harm (LO4)

To address the concerns raised with regard to Public Nuisance, and taking into account the situation of the premises in a residential area, the Sub-Committee decided to grant the application but with the following amendment to Condition 3 of the licence, to allow music events on a maximum of 4 occasions per week. All other Conditions of the licence to remain.

The concerns raised by the objector had been taken into account and the Sub-Committee wished to remind the objector that should there be any cause for concern in the future, legislation allowed for members of the community to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

However, the Sub-Committee would like to suggest that the objector considered taking advantage of the assistance of Waverley's Environmental Health department to monitor any future noise nuisance.

The applicant would also be entitled to come back in the future for a further variation to the licence.

The meeting commenced at 10.00 am and concluded at 12.07 pm.

Chairman