

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'  
21 SEPTEMBER 2009

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING  
17 NOVEMBER 2009

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

- \* Cllr Mrs Elizabeth Cable
- \* Cllr John Savage
- \* Cllr Robert Knowles

\* Present

1. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Robert Knowles was elected Chairman for this meeting of Sub-Committee B.

2. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests 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**

3. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –  
THE BARN, OLD KILN COURTYARD, FARNHAM, SURREY GU9 7NA

(Agenda Item 3; Appendix A)

3.1 The Licensing Manager introduced the application and outlined the matter that the Sub-Committee was being asked to decide.

3.2 The applicant outlined the application and gave details of the proposed activities and the fact that the premises would be operated as a creative arts social club with a membership of 247 guests, limited to 70 at any one time due to the capacity of the premises. The applicant did not intend to hold events every night of the week, but wished to have the flexibility to do so.

3.3 The applicant had previously held events with licensable activities covered by Temporary Event Notices. The only complaint had arisen during an event when music had been relayed to the outside area. The applicant confirmed

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that there would be no music outside in the future and the outside speakers had been removed.

- 3.4 The applicant said that he had been in contact with residents living adjacent to the premises to try and address their concerns over music noise and confirm that it was not their intention to operate as a dance-type nightclub.
- 3.5 The applicant had also been in discussion with Waverley Borough Council Environmental Health Services and had subsequently reduced the operating hours and agreed to comply with their suggested Conditions.
- 3.6 The objector present voiced his concerns regarding the potential noise from music from a premises in such close proximity to residential properties. The objector considered that the lives of those residents, some with young children, would be dramatically affected by music coming from the premises potentially at any night of the week under the terms of the application.
- 3.7 Following closing statements, the Sub-Committee then withdrew at 11.08 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 12.59 p.m.

During the deliberations the Council's Principal Solicitor was asked to advise the Sub-Committee on suitable wording for a condition.

The Sub-Committee resolved that it did not consider that the application conflicted with the Licensing Objectives relating to the Prevention of Crime and Disorder (LO1), Public Safety (LO2) and Protection of Children from Harm (LO4).

However, the concerns raised over the potential for public nuisance had been taken into account and it was the view of the Sub-Committee that the conditions proposed by Waverley Environmental Health Service, and accepted by the applicant, together with the steps the applicant had identified to promote the licensing objectives, would help to allay the concerns raised by the objectors. For clarification the amended Conditions are as follows:

- Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- All external doors and windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place and after 22.00 on all occasions.
- A noise limiting device shall be installed, fitted and working before the first event takes place and maintained in such a manner as to control all sources of amplified music at the premises.
- No music or speech shall be relayed via external speakers.
- Staff and/or SIA registered door supervisors shall be employed for all events to manage the doors and control customers and smokers entering and leaving the premises.

### New Condition

- No food or drink shall be allowed outside the premises after 22.00.

The Sub-Committee considered that, due to the close proximity to residential properties and the previous complaints regarding noise nuisance, the following activities be restricted to Friday and Saturday nights only:

Box E – Live Music

Box F – Recorded Music

Box G – Performance of dance

Box H – Anything of a similar description to that falling with (e),(f) or (g)

The following activities be restricted to a maximum of two weekdays per month in addition to Friday and Saturday nights:

Box I – Provision of facilities for making music

Box J – Provision of facilities for dancing

Box K – Provision of facilities for entertainment of a similar description to that falling within (i) or (j)

The Sub-Committee therefore RESOLVED to GRANT the application as amended and with the conditions set out above to meet the Licensing Objectives.

The reason the Sub-Committee had made the decision to reduce the activities permitted under the licence was to prevent noise and disturbance in the local area and to help address the concerns raised locally. (Licensing Objective 3 – Prevention of Nuisance)

The Sub-Committee reminded 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 premises, leading to a possible review of the licence, and reminded the applicant that they had the right of appeal against the decision of the Sub-Committee.

**The meeting commenced at 10.00 am and concluded at 1.03 pm.**

Chairman