

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'  
10 SEPTEMBER 2012

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING  
29 NOVEMBER 2012

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

- \* Cllr Maurice Byham                      Cllr Carole King
- \* Cllr Simon Inchbald

\* Present

\*Cllr Peter Isherwood

Robin Pellow, Head of Democratic & Legal Services, advised that under delegated authority Cllr Peter Isherwood had been authorised to attend in place of Cllr Carole King who was unable to attend.

1. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Simon Inchbald was elected Chairman for this meeting of Sub-Committee B.

2. DISCLOSURE OF INTERESTS (Agenda Item 2)

There were no interests declared.

**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 – TEMPORARY EVENT NOTICES WITH ENVIRONMENTAL HEALTH OBJECTIONS – THE CROWN INN, PINE VIEW CLOSE, BADSHOT LEA, FARNHAM SURREY GU9 9JS (Appendix A)

3.1 The Chairman introduced the Sub-Committee and officers present and explained the intention of the hearing.

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

- 3.3 The Applicant then introduced himself and gave a brief explanation of the proposed events under the two Temporary Event Notices. The first on 15 September 2012 was the 21<sup>st</sup> birthday celebration for his son with recorded music, and the second on 19<sup>th</sup> October was for a private party with a jazz singer. The application for both events asked for the continuation of Licence from normal hours for the sale of alcohol and regulated entertainment.
- 3.4 The Applicant told the Sub-Committee that he had only had one complaint during the 14 months he had been at the premises and was not aware of any complaints in the previous 3 years. The Applicant said he had received no complaints from immediate neighbours to the premises and music noise had not been discernible by him beyond a small distance from the boundary of the premises. A plan of the immediate area was displayed and the Applicant pointed out the properties of neighbours who had advised him that they had no complaint with the premises. The Applicant explained that windows were kept locked while music was played and doors closed except for exit and egress.
- 3.5 Environmental Health Officers then presented their representation. Complaints had previously been received from two local residents relating to noise nuisance. As was normal practice Environmental Health had sent log sheets to the complainants asking them to fill in dates and times when nuisance had occurred. To date nothing had been returned and until they were Environmental Health were unable to take action such as noise monitoring.
- 3.6 Following questions from the Sub-Committee Environmental Health explained that the complaints were regarding loud music coming from the premises beyond their licensable hours, noise from customers leaving the premises and from the smoking area in the pub garden. However, the Sub-Committee were advised that those complaints had not been substantiated.
- 3.7 Following a question from the Sub-Committee the applicant explained that the 1 hour for close of premises following the last sale of alcohol was to enable the gradual departure of guests from the premises and therefore intended to control any noise nuisance.
- 3.8 Environmental Health asked whether Conditions could be applied to the TENs to cut back the times for sale of alcohol/closing time of premises in order to reduce noise nuisance for neighbours. The Council's Solicitor advised that the only Conditions that could be applied to a TEN were those already contained in the Premises Licence.
- 3.9 The Sub-Committee then withdrew at 10.33 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 11.09 a.m.

During the deliberations the Council's Solicitor was asked to advise the Sub-Committee on the suitable wording of their decision.

The Sub-Committee did not consider that these applications conflicted with the Licensing Objectives relating to

- Prevention of Crime and Disorder (LO1)
- Public Safety (LO2)
- Prevention of Public Nuisance (LO3)
- Protection of Children from Harm (LO4)

And for the reasons given below have decided to allow the licensable activities involved in the events to go ahead as stated in the temporary event notices.

Temporary Events – 15 September 2012 and 19 October 2012

The Sub-Committee did not consider that there was sufficient substantiated evidence submitted by the Environmental Health Department to justify setting aside the Temporary Event Notice applications. The Sub-Committee had heard the submission from Environmental Health Officers about noise complaints regarding the premises. However, they felt that these complaints were unsubstantiated.

The Sub-Committee imposed on the Temporary Event Notice Conditions 1 and 2 contained in Annexe 3 of the Premises Licence.

The Sub-Committee wished to remind the objectors 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.

**The meeting commenced at 10.00 am and concluded at 11.14 p.m.**

Chairman