

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'C'
23 NOVEMBER 2009

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
9 FEBRUARY 2010

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

- * Cllr Mrs Gillian Beel
- * Cllr Victor Duckett
- * Cllr Mrs Elizabeth Cable

* Present

The Head of Democratic & Legal Services advised that

- i. Cllr Peter Isherwood had been unable to attend the meeting and under delegated powers he had agreed that Cllr Mrs Gillian Beel attend on his behalf; and
- ii. Cllr John Sandy had been unable to attend the meeting and Cllr Mrs Elizabeth Cable had attended on his behalf.

1. ELECTION OF CHAIRMAN (Agenda Item 1)

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

2. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests raised 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 'C'.

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

3. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – CLOCK BARN HALL, CLOCK BARN FARM, HAMBLEDON, GODALMING, SURREY GU8 4AY (Agenda Item 3; Appendix A)

- 3.1 Additional papers had been received from the applicants and following agreement from the applicants and objectors, the Chairman adjourned the meeting at 10.05 am to allow both parties to read and discuss if they wished.

At 10.30 am the meeting resumed.

- 3.2 The Head of Democratic and Legal Services introduced the amended application for a new premises licence and advised that the applicants had a planning application running concurrently with the application for a new premises licence, but that this was a separate issue and not for consideration by the Sub-Committee.
- 3.3 The applicants outlined their application and gave a history of the business and agricultural use of their estate. The applicants had reduced the hours of operation for certain licensable activities in response to objections received from their neighbours concerning noise nuisance from previous events.
- 3.4 The applicants identified the steps they had taken to minimise the noise from events by fitting self-closers to external doors and a noise limiter. The applicant had also undertaken a sound measurement report and traffic management report, which had been tabled at the start of the meeting.
- 3.5 The applicant confirmed that apart from late night refreshment, all activities would take place indoors only, no events would take place on Bank Holidays, no amplified or unamplified music would take place outside of the building and there would be no fireworks displays. The Council's Principal Solicitor advised that fireworks were not licensed under the Licensing Act and any dispute regarding fireworks should be resolved outside of the meeting.
- 3.6 The applicants confirmed that they had proposed a set of conditions that had been recommended by Waverley Environmental Health Service in informal discussions with the applicants.
- 3.7 Following a question by the Council's Principal Solicitor through the Chairman, the objectors present then confirmed that they wished to continue with their objection to the application.
- 3.8 Those present making representations against the application then presented their objections.
- 3.9 The objectors were concerned that with the granting of a premises licence the number of events could increase to every weekend and the noise nuisance they had previously experienced would substantially affect the quality of their lives. The objectors did not consider that the fitting of self-closers to the doors and a noise limiter would reduce the noise to an acceptable level.
- 3.10 The objectors had further concerns over the traffic generated by events and the danger of cars arriving and departing along the narrow country lane approaching the estate. They had also experienced noise from guests departing from events in the early hours of the morning.
- 3.11 The objectors considered that none of the measures described by the applicants would be sufficient to reduce the noise nuisance and alleviate their concerns.
- 3.12 Following a query from the objectors, the Council's Principal Solicitor advised that a premises licence does not automatically transfer with the sale of a property and this would be the subject of a separate application.

- 3.13 The Council's Principal Solicitor advised the Sub-Committee that during their deliberation they should only take account of those issues that fell under the Licensing Objectives, and that these did not include public safety on the road, the number of fire exits and the demand for a business, which is a matter for the market.
- 3.14 Having received closing statements from all parties, the Sub-Committee then withdrew at 12.38 pm.
- 3.15 Following the Sub-Committee's deliberation the meeting resumed at 13.32am and announced its decision:-

The Sub-Committee did not consider that the application conflicted with the Licensing Objectives relating to Prevention of Crime & Disorder (LO1); Public Safety (LO2); Prevention of Nuisance (LO3) and Protection of Children from Harm (LO4).

The concerns raised over the potential for public nuisance had been taken into account and discussed by the Sub-Committee. It was the view of the Sub-Committee that the Conditions proposed by the applicant, together with the steps the applicant had identified to promote the licensing objectives, were sufficient to prevent the concerns raised by the objector

The Sub-Committee therefore RESOLVED to grant the application for a new premises licence as amended by the applicant and tabled at the meeting with the following clarifications:

1. All activities to take place indoors only except Box L, Late Night Refreshment. For clarification Box O – Opening Hours, exclude Bank Holidays and Box P as amended and tabled at the meeting;
2. The conditions proposed by the applicants be added to the licence.

The reason the Sub-Committee decided to grant the licence as amended, with conditions was that the applicant had taken all necessary steps to promote the four licensing objectives.

The Sub-Committee reminded the objectors that should they have 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 which might lead to a review of the licence.

The meeting commenced at 10.00 am and concluded at 13.37 pm.

Chairman