

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE B 15.10.20

FARNHAM CASTLE

EXPLANATORY NOTE;

As a result of deregulatory changes that have amended the Licensing Act 2003 (following the introduction of the Live Music Act 2012) Live and recorded music, amplified or not, no longer requires a licence between 0800 and 2300 on any day on premises authorised to sell alcohol for consumption on those premises provided the audience does not exceed 500.

Any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live or recorded music remain in place, but **are suspended between** the hours of 0800 and 2300.

Therefore some of the agreed conditions (stated below) with Environmental Health will not be enforceable between the hours of 0800 and 2300 if the premises are open for the purposes of selling alcohol and for an audience of no more than 500 persons.

- 2. If the Council receives justified complaints about noise that cannot otherwise be resolved a noise limiting device(s) must be installed at the premise and maintained in such a manner as to control all sources of amplified music and speech at the premises. The device must be:
 - Used at all times during the entertainment;
 - Set at a level agreed in writing with the Council; and
 - Sealed in a manner, which is tamper proof
- 3. No music or speech shall be replayed via external speakers other than for events detailed in Condition 4.
- 4. There shall be no more than 12 external events per year involving amplified speech and music, excluding events held in the Rose Garden/Keep with the occasional amplified speech only. The 12 external events/activities involving amplified speech and music shall finish by 22:00 hours, other than on 3 of the 12 occasions a year when they shall finish by 23:00 hours. There shall be no more than 2 of these external events in any 4 week period, unless otherwise agreed in writing with the Licensing Authority.
- 9. The DPS or nominated representative shall take reasonable measures to make sure noise levels are checked/monitored outside nearby dwellings during external entertainment involving amplified music or speech detailed in condition 4, as well as at the request of the Licensing Authority in the event of justified complaints. If, as a result of this check/monitoring, it is considered that noise levels are excessive,

immediate action shall be taken to reduce the volume of the entertainment to suitable levels, particularly the low frequently bass noise which readily pass through doors and windows, and are most often the principal reason for people complaining of entertainment noise. After, 23:00 hours the license or nominated representative shall aim to ensure noise from entertainment is not audible outside any dwelling in the vicinity.

FURTHER NOTE;

Condition 6 agreed with Environmental Health relates to fireworks, which is not a licensable activity.

- 6. There shall be no more than 18 events involving fireworks a year, and fireworks must be low impact (low noise) fireworks. Fireworks displays shall finish by 22:00 hours and last no more than 6 minutes. Otherwise, except for the Heritage Open day held once a year, no explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas, shall be used without first obtaining written consent from the Licensing Authority.

A copy of GOV.UK internet page relating the law regarding fireworks is attached.



1. Home (<https://www.gov.uk/>)
2. Housing and local services (<https://www.gov.uk/browse/housing-local-services>)
3. Safety and the environment in your community (<https://www.gov.uk/browse/housing-localservices/safety-environment>)

Fireworks: the law

You can't buy 'adult' fireworks if you're under 18, and it's against the law for anyone to set off fireworks between 11 pm and 7 am, except on certain occasions.

Adult fireworks are category 2 and 3 fireworks - they don't include things like party poppers.

Category 4 fireworks can only be used by professionals.

The law says you must not set off or throw fireworks (including sparklers) in the street or other public places.

You must not set off fireworks between 11 pm and 7 am, except for:

- Bonfire Night, when the cut off is midnight
- New Year's Eve, Diwali and Chinese New Year, when the cut off is 1 am

Check with your council (<https://www.gov.uk/find-your-local-council>) to find out about any local rules for setting off fireworks.

Get information about firework safety from The Royal Society for the Prevention of Accidents (<http://www.saferfireworks.com/>) and the Health and Safety Executive (<http://www.hse.gov.uk/explosives/fireworks/>)

Buying fireworks

You can only buy fireworks (including sparklers) from registered sellers for private use on these dates:

- 15 October to 10 November
- 26 to 31 December
- 3 days before Diwali and Chinese New Year

At other times you can only buy fireworks from licensed shops.

You can be fined up to £5,000 and imprisoned for up to 6 months for selling or using

fireworks illegally. You could also get an on-the-spot fine of £90.

Related content

- Contact the police (<https://www.gov.uk/contact-police>)

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- Safety and the environment in your community (<https://www.gov.uk/browse/housing-local-services/safety-environment>)