



Memorandum

Licensing Act 2003

DATE: 17TH FEBRUARY 2021

TO: Waverley Licensing Team (The Licensing Authority)

FROM: Elizabeth Bance Senior Environmental Health Officer

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Location: The Royal Arms, 172 Farnborough Road, Farnham, Surrey, GU9 9AX.

Environmental Health have the following **representation** to make in terms of the licensing objective of Public Nuisance under the Licensing Act 2003. These comments are made in relation to the licence variation application received by Environmental Health on 25th January 2021.

Considerations:

As previously discussed with the applicant, and on a previous response dated 8th September 2020 regarding a minor variation application for the premises, in 2020 the Environmental Health team had been in receipt of noise complaints relating to the premises. This includes noise from patrons inside and outside the premises, as well as regulated entertainment noise (music). A written warning letter about the complaints was hand delivered to the DPS on the 18th August. Following this letter further complaints were received that licence conditions were not being observed, as customers or staff were in the garden area outside of the permitted times, on the weekend of the 22nd/23rd August 2020.

Since December 26th the premises will have come under Tier 4 (and in January 2021 national lockdown) coronavirus restrictions, which have meant that it has not been able to be open for anything other than take away services. Therefore it is difficult to assess any potential improvements regarding noise since our involvement in 2020.

It is noted from the application that Environmental Health received on the 25th January 2021 that 'noise notices' will be in use at the premises, however this appears to relate to similar requirements under Condition 4 which this application is seeking to remove.

Previously comments were submitted to Licensing with regards to an application for Minor Variation of the licence to remove these conditions. My previous comments have been provided to the applicant but since this time no further details have been provided to give assurances that they will be able to effectively reduce any public nuisance if these conditions were removed.

As no further substantive information has been provided to support the application in terms of controlling public nuisance my previous comments are still applicable to this full variation application. These are included below.

Recommendations:

The following comments are made in relation to the removal of the 4 environmental health conditions as requested in the application as well as the removal of conditions in Annexe 3. The below comments relate to Environmental Health related conditions only.

Condition 1. The licensee shall install a lobby to the main entrance, so as to provide two sets of doors separating the bar area from the outside of the premises. All doors shall be fitted with self-closers and maintained in good working order. The distance between the inner and outer doors shall be sufficient to ensure that one door set is normally closed as people pass through the lobby.

- If works were undertaken to install these doors, and if they are now in place, it may be considered that this condition could be removed. See also comments to condition 2 that doors are to not be open except for entrance and egress.

Condition 2. External doors and windows serving the licensed area shall be kept shut at all times. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter and must be fitted with self-closers, which shall be maintained in good working order.

- Recommend the following reworded condition- External doors and windows serving the licensed area shall be kept shut during all licensable activity after 8pm. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter, self-closers shall be maintained in good working order.

Condition 3. The outside seating area shall not be used for any purposes between 23:00hours and 08:00 hours.

- Recommend this condition is not removed due to the residential nature of the surrounding area and in light of complaints about noise from patrons in the outside areas of the premises.

Condition 4. The licensee shall display notices at all public exits requesting customers to take all steps to minimise noise once they have left the premises. The wording and size of such notices shall be agreed in writing with the Environmental Health Section at Waverley Borough Council.

- This condition is attached to a number of licences and is considered a simple, cost effective and practical way of bringing attention to customers that they should be respectful of surrounding neighbours. For this reason it is not considered appropriate to remove this condition at this time. Notice sizes would usually be between A4 and A5 size, and must be clearly legible.

Comments regarding Annexe 3 environmental health conditions requested to be removed:

Condition 8. No licensable activities shall take place in the garden or outside areas after 19:00.

- Recommend this condition is not removed

Condition 9. A lock and an alarm shall be fitted to all external windows/fire doors which alerts staff when they are opened without authorisation.

- Recommended rewording- All external fire doors shall remain closed unless in an emergency.

Condition 10. If by 31st March 2010 the noise nuisance from music has not been controlled by the closure of doors and windows, a noise limiting device shall be installed, fitted and maintained in such a manner and to the satisfaction of Waverley Environmental Health Service, as to control all sources of amplified music at the premises so that it will be inaudible at neighbouring properties.

- Recommend removal of this condition.

Condition 11. No inflatable play equipment, and associated plant or machinery, shall be used after the hours of 19:00 and a time switch be fitted to ensure the equipment deflates by that time.

- It is recommended that the reference to the use of a time switch is removed from the condition as this will cause any inflatable to deflate, potentially while still in use, and could cause significant injury to arise. The remainder of the condition relating to times of use of inflatables and associated plant and machinery shall remain the same.

The applicant is reminded that;

- Enforcement action under the Environmental Protection Act 1990 can still be taken even with a valid licence in place, if a statutory noise nuisance were to arise as a result of the operation of the premises.

- Relevant bodies (including environmental health) and local residents can also call for a review of the licensing conditions at any time, if it is considered that the operation of the premises is giving rise to a concern relating to one of the four licensing objectives.

Please do not hesitate to contact me if you require further information or would like to discuss the above comments.