

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Wednesday 20 December 2023
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Keith Witham (Chairperson) Councillor Catherine Houston Councillor Bob Hughes
<b>OFFICERS PRESENT:</b>	Mark Adams, Licensing Officer Sophie Butcher, Democratic Services Officer Ian Croll, Environmental Health Officer
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	None
<b>PREMISES:</b>	The Aggie Club, Parsons Green, Bellfields, Guildford, Surrey, GU1 1QG
<b>TYPE OF APPLICATION:</b>	Submission of a Temporary Event Notice (TEN)
<b>DETAILS OF APPLICATION SOUGHT:</b>	The premises user has given notice to extend current licenced hours until 01:00 for licensable activities: From 23:00 New Years Eve until 01:00 New Years Day
<b>THE AGGIE CLUB REPRESENTATIVES:</b>	Ms Natasha Lucas (Club Secretary) Ms Jess Pocock (Employee)

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## DETAILS OF DECISION TAKEN

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted both in writing and orally at the hearing. The Sub-Committee was also made aware that the following were relevant:

Guildford Borough Council's Statement of Licensing Policy

Section 4 – paragraphs 4.1 to 4.12: Fundamental Principles

Section 10 – paragraphs 10.1 to 10.7: Temporary Event Notices

Section 12 – The Licensing Objectives – Specifically 12.3 – Public Nuisance

National Guidance Issued by the Secretary of State under Section 182 of the Licensing Act 2003:

Paragraphs 2.15 to 2.21 – Public Nuisance

Paragraphs 7.1 to 7.40 – Temporary Event Notices

The Sub-Committee received a report from the Licensing Officer, Mark Adams. It was noted that the Aggie Club had submitted a Temporary Event Notice (TEN) on 12 December 2023 so to extend their current licensed hours until 01:00 for licensable activities from 23:00 New Year's Eve until 01:00 New Year's Day. Temporary Event Notices allow licensable activities to be carried on without the need for a premises licence. Events carried on under the authority of a temporary event notice are not subject to the conditions on the premises licence, however, any conditions imposed on the TEN must be in line with the premises licence. On the 13 December, Environmental Health served a notice of objection in relation to the TEN and was on the basis of concerns that the prevention of public nuisance licensing objectives would not be met. The Aggie Club had moved from a longstanding location to a new club house located in Parsons Green which was close to other residential properties. The objection from Environmental Health stated: "Issues surrounding noise from events at the club have been ongoing since moving to the new location, and despite attempts by Environmental Health to minimise

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the noise and therefore the risk of complaints from these events, and despite meetings held with management at the club, Environmental Health have continued to receive complaints from nearby residents when events are held.”

The Environmental Health Officer, Ian Croll was invited to make his submission in support of his objection to the TEN. The Sub-Committee noted that they had received two complaints from local residents regarding noise levels at the Aggie Club when an event was being held. One of those complaints was outstanding. The situation had improved however, it was felt that the additional hours requested to 01:00 would result in more complaints being received if the TEN was permitted.

The representatives from the Aggie Club were invited to make their submission in support of their TEN. It was stressed that they regularly worked closely with local residents to keep them informed of up and coming events at the club. The Aggie Club had recently been relocated by the Council to this temporary site, for a period of 5 years, owing to the Weyside Urban Village redevelopment. The club had not asked for an extension of hours at all throughout 2023 but was requested now for the New Year’s Eve celebrations. The event was ticketed for club members and their family only. The club also used noise monitoring machines outside the venue to make sure that noise levels were kept to a minimum. The New Year’s Eve event would bring in much needed monies to help run free community events with mothers and their children and the elderly.

The Sub-Committee noted that the club had a noise management plan which had been updated most recently in December 2023. The Environmental Health Officer, Ian Croll stressed that it was important for a hirer of the Aggie Club to know their responsibilities in managing noise levels and feedback on the night of an event. The club representatives confirmed that in the case of the TEN for New Year’s Eve there would be more club members onsite to ensure that noise management was successfully handled. It was also confirmed that whilst they had applied for a TEN until 01:00 it was never their intention to keep the bar open and music on until that time. It just provided a time buffer by which to get everything done. Tighter controls would be in place by operating the event as a ticketed one and the organisers would therefore know who was in the venue as well as regularly checking sound levels outside of the club during the event.

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The Sub-Committee asked if a decibel limiter was currently installed on the sound equipment at the club. The Environmental Health Officer, Ian Croll confirmed that any noise monitoring would be carried out from the residents garden if a complaint was received. A noise limiter would only be installed as a last stage resort and was dependent on the frequency at which overspill of sound occurred at the venue at night and was causing a disturbance to local residents.

The Sub-Committee queried whether it would be possible for the Aggie Club to stop serving alcohol and switch the music off by 12:15pm. The club representatives agreed to amend their TEN to the new time as detailed above and stated that it was always their intention to stop serving alcohol prior to midnight. To assist in alleviating any concerns or complaints raised by local residents, there was an easily accessible telephone number available on social media for the venue which residents could call should there be a problem. The event had also been pre-advertised on social media via Facebook. Written letters would also be sent to the immediate neighbours affected. The Bar Manager had responsibility for the event and implementation of the noise management plan overall and the DJ being used was also a club member and was fully aware of the complaints raised to date about noise overspill. At the end of the event, club representatives would ensure that attendees would be reminded to keep the noise down as they left the venue.

The Environmental Health Officer, Ian Croll confirmed that he was content with the helpful suggestion for the notice giver to amend the hour on the TEN to cease the serving of alcohol and playing of music by 12:15pm. He thanked the club representatives for their feedback and was conscious of their unique scenario whereby the club had been re-sited within a residential area at no fault of their own.

The Licensing Officer, Mark Adams confirmed that owing to the verbal agreement at the hearing between Environmental Health and the club representatives to amend the hours requested on the TEN, as detailed above, there would be no requirement to issue a counter notice.

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Having considered the representations made by all parties the Sub-Committee

RESOLVED: that it was not appropriate to issue a counter notice under Section 105, owing to the agreement made at the hearing, between Environmental Health and the notice giver (club representatives), to terminate the sale of alcohol and playing of music at 12:15 on New Year's Day.

### **REASON FOR DECISION:**

The Sub-Committee agreed that the verbal agreement made between the notice giver and Environmental Health to reduce the hour at which alcohol was served and music was played to 12:15pm would assist hugely in mitigating against any potential concerns raised regarding noise levels by neighbouring residents. This was an appropriate action for the promotion of the 'prevention of public nuisance'. Whilst the club could stay open until 1am, the above precautions would help reduce noise pollution overall.

The Sub-Committee was satisfied that the club representatives had clearly laid out what measures they would take to ensure the event was well managed. For example, by ensuring that key club members were aware of the requirements of the noise management plan and carried out those precautionary measures accordingly: By pre-advertising the event on social media, local residents concerns could be managed in the run up to it; by ensuring the telephone number of the club was easily accessible on social media platforms should the neighbours need to make contact during the event if they had any concerns; by running the event as a ticketed one to members only and their family.

The Sub-Committee supported the club's endeavours and recognised that they had been relocated in a residential area at no fault of their own and they were working hard to alleviate any noise concerns. It was acknowledged that the TEN was the first the Aggie Club had applied for in 2023 and was a one-off celebration for New Year, the monies from which went towards much needed and valued community events run by the club through the year for free.

With the above precautions in place, the Sub-Committee agreed that it was therefore not appropriate to issue a counter notice under Section 105.

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Signature of Chairman: .....

Dated: .....