

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING	Monday, 13 June 2016
SUB-COMMITTEE MEMBERS PRESENT:	Councillor Mike Parsons (Chairman) Councillor David Elms Councillor Tony Phillips
OFFICERS PRESENT:	Geena-Mae Bucknall (Trainee Solicitor) (observing) Sophie Butcher (Committee Manager) Ian Croll (Environmental Health Officer) Justine Fuller (Environmental Health Manager) Raj Devandaran (Litigation Solicitor)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	Councillor David Elms was the ward councillor for Worplesdon but had not received any communication with local residents in relation to the Temporary Event and has no interest in the outcome. Councillor Elms was therefore able to participate in the hearing.
PREMISES:	Worplesdon Place Hotel Worplesdon Perry Hill Surrey GU3 3RY
TYPE OF APPLICATION:	Notification of a Temporary Event.
DETAILS OF APPLICATION SOUGHT:	The licensable activities notified on the temporary event notice are: (a) The provision of regulated entertainment On the following dates and times: • Saturday 6 August 2016 from 12:00 hrs to 00:00 hrs
PROPOSED PREMISES USER:	Mr Graham Rolland

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FOR ENVIRONMENTAL HEALTH:	Mr Ian Croll (Environmental Health Officer)
OTHER PERSONS:	None

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 – Fundamental Principles
- Section 10 – Temporary Event Notices
- Section 12.4 – The Licensing Objectives – Prevention of nuisance

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

- Paragraphs 2.14 to 2.20 – Public Nuisance
- Paragraphs 7.1 to 7.40 – Temporary Event Notices

The Environmental Health Manager informed the Sub-Committee that the Temporary Event Notice was submitted by the applicant, Mr Graham Rolland on 27 May 2016 for a large film viewing via a big external screen. The premises were currently not licenced for these activities outdoors. On 2 June 2016, Environmental Health served a notice of objection in relation to the temporary event notice. The objection was based upon a previous three-day event held at the venue when 11 complaints had been received by Environmental Health from local residents in relation to noise and public nuisance. After consideration of the objection notice from Environmental Health, together with the submissions made at the hearing, the Sub-Committee had to determine whether it was appropriate for the promotion of the prevention of public nuisance objective to give a counter notice, which would prevent the event from going ahead, impose conditions on the notice, or acknowledge it. Any conditions imposed must be those already on the existing premises licence; the Sub-Committee cannot impose new conditions.

The Sub-Committee considered the following submissions made by the applicant:

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- He wanted to work together with his community and parish council, as well as Environmental Health, who had been consulted and voiced some concerns before the TEN was served;
- The hotel had held very few outdoor events;
- When the 3-day event was being held, he only received one complaint from a neighbouring resident about the noise onsite. In response, the music was immediately turned down;
- The TEN would be used to show the new Star Wars film.
- Was looking at three potential sites in the hotel grounds to locate the screen. Due to a potential echo in front of the building, the screen would most likely be located by the lake. The speakers would not be directed towards residential housing.
- A noise pollution plan was in place and the volume of the film could be easily turned down.

The Sub-Committee received the following representation from the Environmental Health officer:

- in relation to the three-day Bank Holiday event, on the third day, when the event was held inside, no complaints were received from neighbours;
- was concerned in relation to the lack of a sound barrier;
- was concerned that the finishing time of midnight was too late. Proposed 11pm so that public nuisance could be successfully mitigated in relation to noise pollution for neighbouring residents;

The Chairman noted that the majority of complaints received from neighbouring residents were located within 150 metres of the hotel premises. The Chairman queried whether any complaints had been received from the Parish Council [NOTE: were there any? I can't recall what the answer was].

The applicant stated:

- all complaints received had been from local residents. The major complaint to him was that local residents had not been consulted about the three-day Bank Holiday event;
- the applicant was now working closely with the local residents and the local authority;
- the applicant had extensive experience of running catering and hospitality services gained in a variety of industries;
- the Managing Director was nearly always present onsite and wanted to run a hotel that hosted non-profit making events for the local community. They had already been approached by the local vicar to host Worplesdon Festival;
- Saturday 6 August had been chosen as the date as it was geared towards families whose children would be on their school holidays and would hopefully enjoy good weather;
- the proposal was to operate the premises as normal and then close off the gardens at 7pm. It was a ticketed event and customers would be issued with wristbands. Two members of staff would be located in the car park to help manage the number of people with access via the main door through to the garden;
- the applicant envisaged that the film showing would finish by 11:30pm and not midnight as originally requested in the application.

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- the applicant stated that customers would be asked to leave the premises quietly at the end of the film.

The Chairman invited the Environmental Health Officer to sum up who reiterated his concerns in relation to controlling the volume of the film and overall sound transmission in relation to its effect in terms of noise pollution for neighbouring residents.

Having considered Environmental Health's objections and the submissions made by the applicant, the Sub-Committee

RESOLVED: To acknowledge the Temporary Event Notice on Saturday 6 August 2016 from 12:00 hours to 00:00 hours for the provision of regulated entertainment for the screening of the film Star Wars via a large external screen.

Subject to the following conditions from the existing licence:

C:Film Exhibitions

- a) Subject to subsection (b) below, the admission of children to the exhibition of films on the premises shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC).
- b) If the licensing authority does not agree with the category of any film as recommended by the BBFC, it may alter the category of the film. On notice of alteration of category being given by the licensing authority to the holder of the licence, the film shall thereafter be treated as being in the altered category and admission of children to the exhibition of the film shall be restricted accordingly.

REASON FOR DECISION:
The Sub-Committee considered both written and oral representations from Environmental Health as well as the submissions made by the applicant. The Sub-Committee was satisfied that the risk of public nuisance would be satisfactorily mitigated against by the applicant taking appropriate measures to self-police the event and it was therefore considered appropriate to permit the Temporary Event Notice on Saturday 6 August 2016. The applicant was already working closely with local residents and was strongly encouraged to notify local residents in good time about the film showing. In addition, the applicant should work closely with the Environmental Health Team in the lead up to the event. The applicant should make every effort to immediately address any complaints made about noise pollution. The Sub-Committee recommended that the start time for set-up should be 7pm and the film should finish by 11:30pm, as proposed by the applicant and applied section C: Film Exhibitions from the existing licence to this event. The Sub-Committee was content that Star Wars was not an 18 certificate and would therefore not affect the admission of children.
Signature of Chairman:
Dated: