

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Monday 22 August 2016
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Mike Parsons (Chairman) Councillor David Elms Councillor Nigel Manning
<b>OFFICERS PRESENT:</b>	Geena-Mae Bucknall (Trainee Solicitor) Sophie Butcher (Committee Services) Bridget Peplow (Senior Lawyer Litigation) Peter Rodham (Licensing Compliance Officer) Mike Smith (Licensing Team Leader)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	None
<b>PREMISES:</b>	The Holroyd Arms 36 Aldershot Road Guildford Surrey GU2 8AF
<b>TYPE OF APPLICATION:</b>	Submission of a Temporary Event Notice (TEN).
<b>DETAILS OF APPLICATION SOUGHT:</b>	The premises user had given notice of the following licensable activities:  <ul style="list-style-type: none"> <li>(a) The sale by retail of alcohol</li> <li>(b) The provision of regulated entertainment</li> </ul> On the following dates and times:  Sunday 28 August 2016 from 00:00 (midnight) hrs to 02:30 hrs
<b>PROPOSED PREMISES USER:</b>	Ms Lisa Ahmah (Applicant) Mr Jay Pearce (Punch Taverns) (in attendance and spoke on behalf of Ms Ahmah)

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<b>FOR ENVIRONMENTAL HEALTH:</b>	Ms Lisa Ahmah (Applicant) Mr Jay Pearce (Punch Taverns) (in attendance and spoke on behalf of Ms Ahmah)

### 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 a public 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 Sub-Committee received a report from the Licensing Officer and noted that a Temporary Event Notice (TEN) had been received on 11 August 2016 from Ms Lisa Ahmah. The notification was submitted within the correct periods and had been accepted as a valid notice. The event was scheduled to take place on Sunday 28 August 2016 from 00:00 hrs (midnight) to 02:30 hrs. The licensable activities applied for were the sale by retail of alcohol and the provision of regulated entertainment and the proposed event was a 'Reunion Party' with a DJ. The premise was currently licensed for these activities indoors on a Saturday night until 00:00 hours (midnight).

On 16 August 2016, Environmental Health served a notice of objection in relation to the TEN based on their concern that the 'prevention of public nuisance' licensing objective would not be met. The objection related to a previous history of noise complaints and a recent complaint for an event held under a TEN on the 30-31 July 2016 that included regulated entertainment.

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The Sub-Committee noted TENs allow licensable activities to be carried out 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 unless the Sub-Committee imposed conditions.

The Sub-Committee noted the following points made on behalf of the applicant, by Mr Jay Pearce (Punch Taverns):

- He acknowledged that a number of noise complaints had been received in 2013;
- By way of resolving that, changes had been made to the site, including fencing erected in the garden area to reduce the sound levels;
- Since, 2013 the pub had held residents meetings, and no residents had attended the last five meetings;
- Residents were always informed about forthcoming events in good time;
- The last event, when the complaint was received, was in relation to an event where music had been played outside until 9pm;
- The event currently applied for would be held entirely indoors;
- The TEN application was a 'Reunion Party' for a group of friends who used to go to a club in Wandsworth called 'Club UK'.

The Sub-Committee noted the following submission from the Environmental Health Officer in support of his objection:

- He had believed that the noise complaints previously received about the Holroyd Arms had been resolved in 2013;
- a complaint had been received from a local resident, during the last TEN held in July, about the noise levels. That resident stated that they had contacted the Holroyd Arms to complain and was told that they were allowed to hold the event. The event went on all day. Environmental Health did not follow up the complaint.
- When this application for a TEN was received, the Environmental Health Officer had reservations and therefore objected, as he wanted to ensure that appropriate conditions from the current licence were applied. In addition, he could not find any records to confirm that the noise limiter was fully functional and the levels set appropriately.

The Environmental Health Officer and Sub-Committee requested further information from the applicant about the levels to which the noise limiter was set and if it was active. The applicant confirmed that the noise limiter had been set up in 2013, following the complaints received about noise. The noise limiter had been set to the Juke Box and by the main stage where bands play. If the noise levels exceeded a certain decibel, the speakers cut out. The Environmental Health Officer stated that he would liaise with the applicant on the current settings of the noise limiter.

The Sub-Committee requested that the Environmental Health Officer confirmed which conditions from the current licence should be applied to this TEN. The Environmental Health Officer stated that the doors and windows should be closed at all times. The significant issue was the noise limiter and to seek assurance that it was not being by-passed. It was acknowledged that at the time of the last complaint, there were many events being held outside. The limiter could not control noise levels outside. It was further confirmed by the Licensing Team Leader that live and recorded music had now been de-regulated so that it could take place from 8am – 11pm for up to 500 people and any conditions on a licence would not be applicable.

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Having noted the report of a recent incident involving a noise complaint at the premises, and the request from Environmental Health to impose conditions on the TEN, the Sub-Committee

RESOLVED: Not to give a counter notice, but to impose some of the conditions from the premises licence for the prevention of public nuisance. The following conditions would be imposed, adopting the numbering from the premises licence:

### **C: Additional Conditions agreed by the Licensing Sub Committee D on 19-08-2005**

6. A tamper proof noise-limiting device shall be installed and permanently maintained in good working order within the premises. The device shall automatically control the volume of all amplified live and recorded entertainment at the venue at all times, such that noise will not cause disturbance to the locality or any adjacent noise sensitive premises. The maximum volume played shall be set in arrangement with Officer of the Environmental Health & Licensing Services Unit, which shall not be exceeded. If necessary, the licensee shall arrange to reset this level upon request from officers of the unit.
7. All entertainment shall be restricted to within the buildings of the premises and no loud speakers external to the building shall be permitted.
8. External windows and doors serving the licensed area shall be kept shut at all times when entertainment is being provided. 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, which shall ensure this. Noise from closing of doors shall not be audible beyond the site boundary.
9. Customers shall not be permitted to use any external part of the premises, e.g. outside drinking areas, for any purposes after 23:00 with the exception of a maximum of 25 people who will be permitted to use the designated smoking area until midnight and for access to and from the premises.

### **E: Additional conditions agreed with the Licensing Sub-Committee on 29-01-2014**

1. The lawned garden will be closed to customers at 20:00. A gate will be fitted to close the area from 20:00 to customers.
3. A telephone number will be made available to residents in order that they can contact the premises should they have any problems.
4. A complaints log will be kept at the premises detailing any calls made to the premises, the time of the call, the nature of the complaint and any action taken. This book will be made available to the licensing authority on demand.

The Sub-Committee also recommended that the applicant liaised with Environmental Health to ensure that the noise limiter was fully operational prior to the event.

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**REASON FOR DECISION:**

The Licensing Sub Committee considered both written and oral representations from Environmental Health and oral representations from the proposed Premises User, The Sub-Committee determined that subject to the imposition of the conditions, from the current licence, as detailed above, that the event could go ahead.

The Sub-Committee, whilst being mindful of the complaint recently received, in relation to noise disturbance generated from the Holroyd Arms, noted that this complaint appeared to have been in relation to outdoor entertainment. This TEN application was for an event which would be held indoors only and the applicant had confirmed that all doors and windows would be kept closed as required by condition C8. Subject to the necessary checks being undertaken by Environmental Health of the current noise limiter, the Sub-Committee was satisfied that the prevention of public nuisance would be met by the imposition of conditions on the licence. Environmental Health had confirmed that they did not want to prevent the event going ahead and would be content with the imposition of conditions to prevent noise disturbance to neighbours. Condition C6 relating to the noise-limiting device had therefore been applied to this TEN. As the most recent complaint related to noise from the outside areas, the Sub-Committee also considered it appropriate to impose the conditions regulating the outside areas, namely C7 & 9 and the conditions in E. The Sub-Committee took into account the fact that the applicant had worked very closely with local residents since 2013 when the main bulk of noise complaints had been received. Virtually no complaints had been received since then apart from the one complaint referred to by Environmental Health. The good work undertaken by the applicant with local residents was therefore given significant weight by the Sub-Committee in the prevention of public nuisance.

Signature of Chairman: .....

Dated: .....

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