

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING	Thursday, 27 October 2016
SUB-COMMITTEE MEMBERS PRESENT:	Councillor Mike Parsons (Chairman) Councillor David Elms Councillor Tony Phillips
OFFICERS PRESENT:	Mark Adams (Licensing Compliance Officer) Sophie Butcher (Committee Services) Bridget Peplow (Senior Lawyer Litigation) Andrew Shepherdson (Trainee Solicitor)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	None.
PREMISES:	High Barn Lane Effingham KT24 5PR
TYPE OF APPLICATION:	Submission of a Temporary Event Notice (TEN).
DETAILS OF APPLICATION SOUGHT:	<p>The premises user had given notice of the following licensable activities:</p> <ul style="list-style-type: none"> (a) The sale by retail of alcohol (b) The provision of regulated entertainment <p>On the following dates and times:</p> <p>From 14:00 Saturday 29 October 2016 to 02:00 Sunday 30 October 2016</p>
APPLICANT:	Mr Richard Jaehme (Applicant)
FOR ENVIRONMENTAL HEALTH:	Mr Gary Durrant (Team Leader – Environmental Control)

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DETAILS OF DECISION TAKEN AND REASONS THEREFORE:

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 16 October 2016 from Mr Richard Jaehme. The notification was submitted within the correct periods and had been accepted as a valid notice. The event was scheduled to take place on Saturday 29 October 2016 from 14:00 to 02:00 Sunday 30 October 2016. The licensable activities applied for were the sale by retail of alcohol and the provision of regulated entertainment and the proposed event was for a DJ for up to 450 people. Loud music would terminate at 00:00hrs and ambient music would terminate at 02:00. The event would take place in the southeast corner of a field off High Barn Road, Effingham. The field was private and did not hold a premises licence. Only one TEN had been held at this site previously, by a different premises user, the event terminated at 21:00 with no complaints received, and was not relevant to the consideration of this TEN.

On 19 October 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 concern that there was a high probability that the event's emphasis on bass beat would mean that it would be audible at noise sensitive neighbouring properties.

The Sub-Committee noted that 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.

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The Sub-Committee noted the following points made on behalf of the applicant, by Mr Richard Jaehme:

- He intended to run a Halloween themed party for 400 people from 14:00 to 02:00 on 29 – 30 October 2016.
- Coaches would take batches of fifty people at a time from the Keystone pub, Guildford to the field at High Barn, Effingham.
- A security firm called 'Risk Solutions' had been employed to assist the management of the event. One security officer would be assigned to each coach.
- Attendees would be dropped off outside by coach and walk up an illuminated track to the event.
- When people arrived onsite, they would initially be contained in a section of the field, partitioned by post and rope, so that they could be easily counted in and out of the event.
- Music would start at 14:00, with loud music being reduced from midnight until 02:00 to background music level. During this time people would be dispersed and dispatched back onto the coaches for departure.
- A marquee would be set up, capable of holding 800 people. More than sufficient space was therefore available for the 400 people expected.
- The main stage would be angled so that the sound generated by the bands would be directed into the dense woodland.
- A noise test would be carried out on Friday during the day, again on Saturday prior to the event, and then throughout the event. Owing to the fact that different bands required different sound levels, the noise levels would be checked and adjusted accordingly prior to each band playing. This would ensure that the noise levels were not excessive.
- The applicant intended to distribute notices about the event to local residents.

The Environmental Health Officer confirmed that the applicant had submitted a noise management plan. However, his main concern remained, which was in relation to the impact of a heavy bass beat on neighbouring residents and the potential to disturb their peace. Further clarification was required by the Environmental Health Officer about the location of the speakers and their proximity to neighbouring properties. The applicant confirmed that the speakers would be located so that music was played in the direction of the woodland, which was 50 metres in depth. The nearest neighbours were located at High Barn Farm at 250-280 metres away, who had been consulted about the event and were happy with the event arrangements.

The Sub-Committee considered the noise management plan and noted that 65 decibels was the most relevant reading in relation to noise sensitive locations. The Sub-Committee was concerned to know if 65 decibels was an acceptable noise level for local residents given the likelihood of the heavy bass music levels at the event. The Environmental Health Officer stated that 65 decibels was quite loud, but was the limit set in the Code of Practice for concerts. This event was in essence a small concert. The Code of Practice also said that the level could be reduced to 60 decibels. This decibel limit was not relevant to the issue of the bass beat. He confirmed that his concern was in respect of the Woodlands Road area, that bass beat was difficult to measure and could be heard through closed windows. The applicant confirmed that he was happy to reduce the noise levels to 60 decibels. He confirmed that the bass beat would be monitored at the nearest noise sensitive premises and a reduction in the level could easily be achieved by turning down the bass on the equalizers. The Sub-Committee noted that Guildford Borough Council Enforcement Officers would be undertaking a noise patrol between the hours of 9pm – 1am and that the event was

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likely to be visited. The Sub-Committee noted that Woodlands Road was located within the Mole Valley district area and therefore any complaints received from residents in that road were likely to be made to Mole Valley.

The Sub-Committee

RESOLVED: that it was not appropriate to issue a counter notice and therefore the event could go ahead.. The Sub-Committee recommended that the decibel level should be reduced to 60.

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 considered that the submission of the noise management plan demonstrated that satisfactory steps would be taken by the applicant to prevent the potential for noise disturbance to neighbours. The applicant had confirmed his intention to reduce the noise levels from 65 to 60 decibels as well as to monitor noise levels for the duration of the event, which the Sub-Committee fully endorsed. Environmental Health had confirmed that they did not want to prevent the event going ahead and would be content with the reduction in noise levels to prevent the potential for noise disturbance to neighbours. The closest neighbours at High Barn Farm, had also been consulted and were satisfied that the event should take place.

The Sub-Committee took into account the fact that this was the first event the applicant had held in the fields off High Barn Road, Effingham. It was therefore in the applicant's interest to reduce any likelihood for noise disturbance to neighbours given that he wished to run similar events in the future. The Sub-Committee also noted that Guildford Borough Council Enforcement Officers would be on duty at the time of the event to carry out observations and take action should any complaints be received about noise.

Signature of Chairman:

Dated: