

**Committee:** Licensing Committee

**Agenda Item**

**Date:** 28 May 2015

**2**

**Title:** Application for a new Premises Licence –  
Saffron Walden Rugby Club (Summer Ball),  
Chickney Road, Henham CM22 6BQ

**Author:** Amanda Turner, Licensing Team Leader.

Item for decision

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### Summary

1. This report sets out an application for a new Premises Licence in respect of the above. Representations have been made to this application so therefore this matter has been referred to the Committee for deliberation.

### Recommendations

2. The application is determined

### Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Premises licence application (appendix A)

Event management plan (appendix B)

Representation from Statutory consultee (appendix C)

Representation from interested party (appendix D)

Location plans of premises showing marquee (appendix E1, E2, E3)

### Impact

- 4.

Communication/Consultation	Details of the application were sent to Members of Uttlesford District Council, The Parish Council, and adjoining residents
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	<p>Under Article 1 First Protocol to the European peaceful enjoyment of their possessions which includes property. This right may be interfered with if necessary to control the use of property in accordance with the general interest. The imposition of conditions under the Licensing Act 2003 is a legitimate interference with this right in this context.</p> <p>In the event that an applicant, responsible authority or interested party is dissatisfied with the decision of the committee there is a right of</p>

	appeal to the Magistrates Court.
Sustainability	None
Ward-specific impacts	Elsenham & Henham being the ward within which the premises are situated
Workforce/Workplace	None

## Situation

5. The Saffron Walden Rugby Club is situated in the centre of the village of Henham.
6. A club premises certificate (PL033) was granted to the Saffron Walden Rugby Club on 11 November 2005 following an application to convert their existing club certificate.
7. A premises licence is being applied to hold a one off summer ball event on 30 May 2015 for up to 1500 people in the training field to the North East of the main pavilion which will contain marquees. The application is for a time limited licence and will expire at 2am on 31 May 2015.
8. In accordance with the Licensing Act 2003 where an applicant submits documentation for a premises licence then included must be an operating schedule. This demonstrates how the licensing objectives will be met and also seeks to outline what licensable activities are sought.
9. The licensable activities now being sought are listed below
  - (a) Live Music (Indoors & outdoors)  
Saturday 6.30pm to Midnight
  - (b) Recorded Music (Indoors and outdoors)  
Saturday 6.30pm to 2am
  - (c) Performance of dance (Indoors and outdoors)  
Saturday 6.30pm to 2am
  - (d) Anything of a similar description to that falling within (e) (f) or (g) (indoors and outdoors)  
Saturday 6.30pm to 2am
  - (e) Late night refreshment (Indoors and outdoors)  
Saturday 6.30pm to 2am
  - (f) The sale of alcohol by retail for consumption (on the premises)  
Saturday 6.30pm to 2am
  - (g) The opening hours of the premises  
Saturday 6.30pm to 2am
10. The operating schedule indicates that measures will be adopted in order to promote the four licensing objectives. These can be read on part M of the application form (appendix A).
11. An event management plan was submitted with the application to all statutory consultees on 14 April 2015. This was also advertised on our website along with the application form and plan until 12 May 2015 (appendix B).

12. Copies of this application have been served on all of the statutory bodies which have attracted a representation from Environmental Health (noise/nuisance) (appendix C).
13. One representation has been received from an interested party causing concerns based on the licensing objectives that relates to the prevention of public nuisance. It is feared that disturbance to neighbours would be caused to residents with music playing until 2am, and when people are leaving the premises (appendix D).
14. In carrying out the statutory function, the Licensing Authority must promote the four licensing objectives as defined in the Licensing Act 2003:-
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
15. The decision that the Committee can make for this application is to
  - Grant the application
  - Modify the application by inserting conditions
  - Reject the whole or part of the application
16. When determining an application due regard should be given to the Council's licensing policy and the Secretary of State's Guidance issued in accordance of the Act.
17. The relevant sections of the Council's licensing policy are;-

5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

5.2 The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

5.3 Applicants need to be clear that the Licensing Authority may apply stricter conditions, including controls on licensing hours where licensed premises are in or near residential areas and where relevant representations have been received. Conversely premises which can demonstrate that they have effective measures planned to prevent public nuisance, may be suitable for 24 hour opening.

5.6 If representations are made applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

5.7 When addressing the issue of prevention of public nuisance, the applicant should consider those factors that impact on the likelihood of public nuisance. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals hospices and places of worship
- the hours during which the licensable activities will be carried out particularly between 23.00 and 07.00 hours
- the closing time of the premises

- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport

Applicants for licences which include regulated entertainment will be aware of the potential of such entertainment to cause a public nuisance by reason of noise from the premises. If representations are made or a review is called for the Authority may consider imposing a condition to the effect that the licence shall take measures to ensure that music will not exceed a prescribed decibel limit at the boundaries of certain properties or within a location described in the condition. What may be an acceptable level of noise may vary from location to location or depending on that time of day as perception of noise from a particular source is affected by background noise levels. Directions given under the Noise Act 1996 provide that the permitted level for the purpose of that Act is 34 decibels where the underlying noise level does not exceed 24 decibels or 10 decibels above underlying noise levels in any other case. In the event that representations are received and the Authority concludes that a noise limiting condition is required the starting point for such a condition would be 34 decibels. If an applicant wishes to contend that a higher limit is appropriate then the Authority would expect the applicant to provide a noise survey to support such a contention.

18. The relevant sections of the guidance issued by the Secretary of State are:-

2.7 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not

permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

19. If the Committee in their discretion wishes to impose conditions, the only conditions that can be imposed are those that are appropriate and proportionate to promote the licensing objective relative to the presentations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

## Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
<p>1 Either no conditions are attached to the licence or the conditions do not satisfactorily achieve the licensing objectives the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm.</p>	<p>2 There is a possibility that local residents will suffer from public nuisance even if what appears to be appropriate conditions are imposed.</p>	<p>2 As the application is for a one off event any public nuisance which may arise will be limited to this occasion only. If granted as applied for the licence will not authorise any other events which would need to be the subject of a fresh application.</p>	<p>In the event of complaints of noise nuisance being received after the licence takes effect then Environmental Health Officers monitor the situation.</p>

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.