

EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 11am on 28 MAY 2015

Present: Councillor R Chambers (Chairman)
Councillors J Davey, T Goddard and E Hicks.

Officers in attendance: J O'Boyle (Environmental Health Officer), M Perry (Assistant Chief Executive – Legal), A Rees (Democratic and Electoral Services Officer) and A Turner (Licensing Team Leader).

Also Present: Mr Manville (applicant) and Mr Whitley (objector)

LIC1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence or declarations of interest.

LIC2 **APPLICATION FOR A NEW PREMISES LICENCE – SAFFRON WALDEN RUGBY CLUB (SUMMER BALL), CHICKNEY ROAD, HENHAM, CM22 6BQ**

Members received a report from the Licensing Team Leader. She explained Saffron Walden Rugby Club (SWRC) had first been granted a club premises certificate on 11 November 2005 following an application to convert their existing club certificate.

SWRC had now applied for a time limited licence to hold a one off summer ball on 30 May until 2am on 31 May 2015 for up to 1500 people. The Licensing Team Leader said applicants were required to submit documents outlining the licensable activities sought and how they would meet the licensing objectives.

The licensable activities sought were as follows;

Live Music Saturday	(Indoors & outdoors) 6.30pm to Midnight
Recorded Music Saturday	(Indoors & outdoors) 6.30pm to 2am
Performance of Dance Saturday	(Indoors & outdoors) 6.30pm to 2am
Anything of a similar description to that falling within (e) (f) or (g) Saturday	(Indoors & outdoors) 6.30pm to 2am
Late night refreshment Saturday	(Indoors & outdoors) 6.30pm to 2am

The sale of alcohol by retail for consumption Saturday	(On the premises) 6.30pm to 2am
The opening hours of the premises Saturday	6.30pm to 2am

The Licensing Team Leader said the operating schedule also indicated the measures that would be adopted in order to promote the licensing objectives. An event management plan was also submitted alongside the application, which was sent to all statutory consultees. The consultation ended on 12 May 2015 at which point two representations had been made; one from the Council's Environmental Health department and another from an interested party. Both representations raised concerns based on failure to promote the licensing objectives relating to the prevention of public nuisance.

The Licensing Authority, as a statutory function, had to 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 and the protection of children from harm.

The Licensing Team Leader said the options available to the Committee were to; grant the application; modify the application by inserting conditions; or reject the whole or part of the application. Due regard should be given to the Council's licensing policy, as well as the Secretary of State's guidance when determining the application. If the Committee did decide to impose conditions, the conditions would have to be appropriate and proportionate. Any conditions the Committee imposed should not replicate existing legislation.

Councillor Chambers invited Mr Whitley to speak. He said the Rugby Club had held events on the site in the past and whilst they did cause some disruption, the events were infrequent and never had more than 200 attendees. Furthermore, these events always ended by 1am at the latest and so there was never a need to complain. However, this event would be significantly larger, with up to 1500 people attending and a proposed end time of 2am. This meant the event would cause a disproportionate nuisance to neighbouring properties. Mr Whitley said the roads surrounding the site were narrow and included a blind right-angle bend into the site. This could cause safety issues.

The Chairman invited the Environmental Health Officer to speak. She said the application included provision to play amplified music until 2am, with live music finishing at midnight. The submitted application included an Event Management Plan, which indicated that music would be amplified in a north-westerly direction, away from residential properties. The Council's Principal Environmental Health Officer had suggested ten conditions to the applicant which they had accepted. Subsequently, the proposed conditions had been modified so there were now eight conditions. These had also been accepted by the applicant and were as follows;

1. The Premises Licence Holder shall comply with the noise control measures and procedures in the agreed Noise Management Plan during the playing of all amplified music.
2. The Music Noise Level from all sources of amplified music expressed as LAeq shall not exceed 65dB(A) over any 15 minute period between 6.30pm and 11.30pm at the following residential properties:
 - a. Lovecotes Lodge, Chickney Road, Henham, CM22 6BH
 - b. Christmas Cottage, Chickney Road, Henham, CM22 6BQ
 - c. The property located at GR563290
3. The Music Noise Level from all sources of amplified music expressed as an LAeq shall not exceed 45dB(A) over any 5 minute period between 11.30pm and 2am at the premises above.
4. The control levels set at the mixer positions at each marquee shall be adequate to ensure that the noise music levels given above are not exceeded.
5. Noise levels at the mixer positions shall be continuously monitored to allow the engineer to ensure that the limits given above are not exceeded.
6. The Premises Licence Holder or nominated person shall assess the impact of any noise at the above premises at the start of the regulated entertainment and not less than hourly throughout the regulated entertainment and take any action necessary to ensure compliance with the noise limits given above.
7. Unrestricted access to the front of house position and backstage areas should be allowed at all times to the responsible authority for Environmental Health (Environmental Protection) for the purpose of sound level measurements, communications with the nominated noise consultant/sound engineer, and monitoring licence conditions.
8. The Premises Licence Holder or nominated person shall ensure a telephone number is made available for local residents to contact in case of noise nuisance or antisocial behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept of calls received, including the time, date and information of the caller and action taken following the call. The records will be made available for inspection on request by any relevant responsible authority.

The Environmental Health Officer informed Members that the proposed noise levels did not include the property closest to the site as any noise limit in relation to this property were deemed unreasonable.

Mr Manville spoke about the application. He stated that Anglia Ruskin's student's union took its social responsibility seriously. Ensuring that any impact

upon residents was fair and reasonable was a primary consideration before submitting the application. The headline act was due to finish at 11.30pm at which point the level of noise was to be reduced. Furthermore, the speakers would be positioned facing away from residential properties in order to mitigate any noise impact upon residents. Whilst the application stated there would be up to 1,500 people the total number of tickets was around 600 by the time of the meeting and it was unlikely that more than 1,000 would be sold before the event.

In response to questions by Members, Mr Manville explained there would be twelve coaches for attendees to use. These would go between the campuses in Cambridge and Chelmsford. The number of private cars travelling to the site would be negligible. Coaches would start travelling to and from the site at midnight, which would allow for a staggered exit of guests, minimising nuisance. It was expected that all the attendees would have left the site by 3am. They were working with the travel company to ensure any disruption caused by the coaches was minimal.

Mr Whitley, in response to a question by Councillor Goddard, said he objected to the event in principle as he felt the size of it was disproportionate. He did however feel the event was likely to be given permission to go ahead and therefore wanted the licensed hours to be reduced.

Councillor Goddard questioned Mr Manville about the number of staff that would be at the event. Mr Manville outlined the number of staff and following a further question by Councillor Goddard said the number of door supervisors would be greater than the average for a similar sized event. This would ensure that only those with a valid ticket would be able to enter the site.

Councillor Hicks asked the Licensing Team Leader whether there were any other comparable events which were likely to take place in the following twelve months. In response the Licensing Team Leader said there were no comparable events. Councillor Hicks then asked Mr Manville whether any provisions had been made with the Police in case any issues arose. Mr Manville said he had met with the Police prior to submitting the application, who had indicated not necessary for police officers to be specifically assigned to the event.

Mr Manville responded to Councillor Chambers' points. He said that the Student's Union had initially wanted the event to end at 6am, but he had considered that to be wholly unreasonable leading to an end time of 2am subsequently being agreed as a compromise. At some of the previous events which he had organised, the closure of the bars had been staggered to facilitate an orderly exit from the event and he would consider doing this again.

LIC3

EXCLUSION OF THE PUBLIC

RESOLVED that under section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt

information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

The Committee left the room at 11.45am so they could consider their decision. They returned at 12.50pm.

DECISION

Members have today considered an application for a premises licence for Saffron Walden Rugby Club. The application is for a time limited licence for 1 day only for a student union ball for students of Anglia Ruskin University. It seeks a licence for the provision of live entertainment until midnight and for the provision of recorded music, the sale of alcohol and late night refreshment until 2 am. The maximum number of attendees is stated as being 1500 although today the applicant says that based on ticket sales to date he expects an attendance between 600 – 800. Provision is being made for guests to be brought to and taken from the site by bus or coach, 7 operating from the Cambridge campus and 5 from Chelmsford.

Representations have been received from the council's environmental health department and a member of the public relating to the promotion of the licensing objective of the prevention of public nuisance. Negotiations have taken place between the applicant and environmental health as a result of which a number of conditions have been agreed. These conditions will mitigate the effect of the nuisance. However the nuisance cannot be eliminated. With regard to the closest residential premises acceptable noise levels cannot be achieved and the Environmental Health Officer and the applicant agree that music from the site will still be audible elsewhere notwithstanding the conditions agreed.

In reaching its decision the committee has had regard to the Council's licensing policy and the guidance issued by the secretary of state and in particular those sections referred to in paragraphs 17 and 18 of the officer's report. Paragraph 5.1 of the Council's policy requires the committee to balance the interests of the local community against the cultural and social importance that the premises will provide. In carrying out that exercise the committee note that this is a "one off" event for the benefit of students of the university. Against that however is the fact that the event is to run until 2 am with music being played and alcohol being sold until that time. Although the applicant hopes to stagger departure times he acknowledges that there will be a pinch point at about 2 am when the event closes and the majority of people will leave. A number of coaches arriving at and leaving the premises from 2 o'clock onwards will of itself create a nuisance to local residents.

While the objector opposes the grant of this licence in principle he accepts that the committee is likely to grant it with conditions and suggests that the event should end at midnight. In striking the balance members consider that this goes too far but members do not consider that the nuisance which will be caused by both the event and the departure of guests from the site is reasonable until 2 am and beyond.

In the circumstances members will grant the licence in the terms of the application modified by the addition of the conditions agreed between the applicant and environmental health. In order to further mitigate the nuisance to local residents the application will be further amended to require the provision of recorded music to cease at 1 am and for the event to end then. Members do not consider it appropriate for the bar to be open until the event ends as this could encourage guests to stock up with drinks just before 1 am and delay their departure times. The applicant in response to a question agreed that it can be sensible for the sale of alcohol and the provision of entertainment to end at different times. Members take a view that closing the bar an hour before the end of the event will facilitate a staggered departure from the event. The licence for the sale of alcohol and the provision of late night refreshment will therefore cease to have effect at midnight.

The meeting ended at 1pm.