

Runnymede Borough CouncilLICENSING SUB-COMMITTEE17 August 2004 at 7.30 p.m.APPENDIX 'B'

Members of the Committee present: Councillors D.W.Parr. (Chairman), Mrs J. Norman (Vice-Chairman), A.J. Davis, P.A. Greenwood, and B.J. Relph.

Members of the Committee absent: None

Councillors Mrs P.I. Broadhead, A.M. Moore and Mrs M. Roberts also attended the meeting as observers with the permission of the Chairman under Standing Order 29.2 but took no part in the proceedings.

ELECTION OF CHAIRMAN

**RESOLVED that -**

**Councillor D.W. Parr be Chairman of the Licensing Sub-Committee for the Municipal Year 2004/05.**

ELECTION OF VICE-CHAIRMAN

**RESOLVED that -**

**Councillor Mrs J. Norman be Vice-Chairman of the Licensing Sub-Committee for the Municipal Year 2004/05.**

APPLICATION FOR AN OCCASIONAL PUBLIC ENTERTAINMENT LICENCE - ARMSTRONG GUN PUBLIC HOUSE, ENGLEFIELD GREEN

The Committee received and considered an application for an occasional public entertainment licence from Mr Stewart John Gordon, Manager of the Armstrong Gun Public House, 49 Victoria Street, Englefield Green, in respect of five indoor events and one outdoor event to take place between 29 August and 31 December 2004.

The applicant, Mr Gordon attended the meeting and made representations in person and the Proper Officer presented his report to the Sub-Committee. Two objectors also attended the meeting and listened to the proceedings. A location plan and proposed schedule detailing the timings of each event were provided.

A number of events had been held at the aforementioned premises both inside and outside in the rear garden of the public house over the last three years. The majority of events had attracted complaints about noise levels from local residents. The events had been monitored by either the Council's Proper Officer or a Consultant and the Licensee advised accordingly after the events. As a result of the most recent complaint a Noise Abatement Notice had been served on the Licensee on 29 July 2004 requiring that no statutory noise nuisance be caused in future. Members were informed that if any further events took place which amounted to a statutory noise nuisance and witnessed by Environmental Health Officers the Licensee had been advised the matter would be considered for prosecution.

Three objections had been received in respect of the application before the Sub-Committee. However, as these had been received by both the Proper Officer and the applicant more than 2 days outside of the 14 days specified in Regulation 2.21 of the Public Entertainment Regulations made under the Local Government (Miscellaneous Provisions) Act 1982 the objectors were not allowed to speak at the request of the applicant.

In accordance with Regulation 2.13 of the afore-mentioned Regulations, the Sub-Committee requested that the application be presented in full for their consideration.

The applicant had been Landlord of the Armstrong Gun Public House for ten years. He stated that he was fully aware of his responsibilities and had no intention to cause a disturbance to his neighbours. He was surprised that complaints had been received in respect of previous events and would endeavour to ensure that at any future events disturbance would be kept to a minimum.

The applicant stated that although he had been notified after each complaint had been made, no action had been taken by the Proper Officer at the time of the event happening to reduce the noise level. However, the Proper Officer had not considered it appropriate to do so and had advised both the applicant and complainants accordingly.

As a result of complaints being received and a letter to the applicant from local residents he had reduced the number of outdoor events taking place at the premises as he had no wish to antagonise local residents.

The Applicant was asked to state what measures he would take to minimise the noise disturbance in respect of the proposed outdoor and indoor events.

The outdoor event on 29 August 2004, taking place between 2.30 and 7.30 p.m. would consist of a live and partly amplified rock band, attracting no more than 80 people in the garden area. The pub event was being held after Egham Rugby Football's charitable event finished at 2 p.m. Participants at the previous event would retire to the Armstrong Gun for music and a barbeque to be run by the applicant. Thus the pub event would be a continuation of the charitable event.

The applicant proposed to drape heavy blankets around the trees in the immediate vicinity of the band which would deaden the sound of the music. The speakers would be positioned in such a way as to project sound in the opposite direction of residential properties in Willow Walk backing on to the pub garden. The applicant also intended to be guided by a publication on measures to limit noise at live music events.

The Sub-Committee was advised that the Armstrong Gun was a two storey brick built building, sloping at the rear. The distance from the back fence of the pub garden to the car park was approximately 30 metres and Members considered whether the sound from the band would bounce back off the pub walls to surrounding residential properties.

The Applicant stated that in respect of the proposed indoor events, most of which would take place between 7.30 and 11.30 p.m., all doors and windows would be kept closed, except in the event of an emergency. Although no special measures would be taken, customers would be encouraged to leave the premises quietly thus the applicant would be acting responsibly.

The Sub-Committee learned that emergency lighting had been installed inside the premises and interior beams had been padded to protect customers from injury.

The Proper Officer had set out in his report the previous complaints about noise but stated that he had no concerns about the condition of the premises. In addition, he had consulted the Fire and Police Authorities, neither of whom had raised any objections to the Licence being granted.

The Sub-Committee wished to support community and charitable events such as the proposed outdoor event on 29 August 2004, but were disappointed that the applicant was unable to demonstrate that he had taken sufficient measures to prevent a disturbance being caused to his neighbours. Concern was also expressed that the applicant would be unable to properly supervise or manage the event in respect of guaranteeing the safety of customers or the protection of children who might be attending the event whilst he was engaged on the barbeque.

With regard to the Indoor events, Members were pleased to grant the licence subject to windows and doors being kept closed, except in an emergency, and such other conditions being placed on the licence as the Proper Officer saw fit and to the event being duly monitored.

**RESOLVED that -**

- i) the application for an Occasional Public Entertainment Licence in respect of an outdoor event on Sunday 29 August 2004 be refused on the grounds that a lack of sufficient measures to control noise levels and disturbance to neighbours had been taken; and**
- ii) the application for an Occasional Public Entertainment Licence in respect of five indoor events on Saturday 30 October, 13 and 27 November and 11 and 31 December 2004 be granted subject to all doors and windows being kept closed, except in the event of an emergency, the event being monitored and any further conditions as the proper Officer sees fit to ensure a minimum disturbance to neighbours.**

Chairman

(The meeting ended at 8.55 p.m.)

Runnymede Borough CouncilLICENSING SUB-COMMITTEE2 September 2004 at 6 p.m.APPENDIX 'C'

Members of the Committee present: Councillors D.W.Parr. (Chairman), Mrs J. Norman (Vice-Chairman), A.J. Davis and B.J. Relph.

Members of the Committee absent: Councillor P.A. Greenwood

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P.A. Greenwood.

APPLICATION FOR AN OCCASIONAL PUBLIC ENTERTAINMENT LICENCE – 'AL FRESCO' JUNIOR BEATS EVENT, JOHN BATTLEDAY WATERSKI, THORPE ROAD, CHERTSEY

The Committee received and considered an application for an occasional public entertainment licence from Mr Peter Walshe in respect of one outdoor event to take place on Friday 3 September 2004 at John Battleday Waterski, Thorpe Road, Chertsey. The event consisted of a televised 'wakeboard' competition and display to no more than 600 people followed by a disc jockey playing amplified music until 3 a.m. on Saturday 4 September 2004. The event was a fund-raising event for the 'Early Births Fund' at St Peter's Hospital.

The applicant, Mr Walshe, attended the meeting and made representations in person and the Proper Officer presented his report to the Sub-Committee. Four objections had been received in respect of the application before the Sub-Committee. One objector also attended the meeting and made representations in person on the application. A location plan was provided.

The applicant started 'Junior Beats' in 2002 and had organised fund-raising events elsewhere and for other charitable causes but had found that owing to their popularity a bigger venue was needed. The applicant had engaged the services of two Disc Jockeys and fifteen Wakeboarders around whom the event was pivoted.

Although the applicant had obtained the necessary bar extension licence from the Magistrates Court there had been a misunderstanding in respect of the need for an Occasional Public Entertainments Licence, hence the late application being made and submitted to the Sub-Committee. There were a few inconsistencies on the application form which had occurred because the applicant had to submit the form in haste. However, he was able to clarify the points raised.

The applicant was very keen for the event to go ahead and expressed his intention to liaise closely with all interested parties to ensure that noise levels would be kept to a minimum. To this end a professional company had been making noise checks and the applicant was willing to end the event earlier if this would encourage the Sub-Committee to grant the licence.

Members of the Sub-Committee asked the applicant what arrangements were in place for parking, toilets, first aid, fresh drinking water, emergency access and egress and containment of people attending the event given its proximity to the lake.

The applicant informed Members that there was more than sufficient parking. In addition, and in order to reduce the amount of cars at the site he had arranged for three coaches, each accommodating approximately 75 people, to take guests to and away from the event.

Temporary toilets had been delivered to the site, the security guards, who numbered ten, were all trained first aiders, and the applicant hoped to engage the services of St John Ambulance workers to attend the event. Bottled water would be available from the bar and an agreement would be in place with Security at Thorpe Park to allow emergency access and egress across their land. If unavailable, muster points within the site could be created.

In respect of crowd containment, immediately after the televised part of the evening, graduated barrier fencing, manned by security guards, would be erected around the lakeside area to prevent anyone falling into the lake.

The applicant had also arranged for public liability Insurance, details of which were supplied to the Proper Officer together with a comprehensive safety plan.

The Police and Fire Services had raised no objections to the application being granted although local residents were very concerned that, in the light of other events at John Battleday Waterski which had been noisy, the noise levels would again be intrusive and that allowing this event to take place would set a precedent for the future.

The Committee was advised that in granting the application before them a precedent would not be set, as each application would be considered individually on its merits.

The Committee was anxious that proper controls would be in place to address any noise issues. The applicant was happy to provide interested parties with his mobile phone number and those of others involved who would also be at the event so that if any complaints were made they could be made directly and resolved immediately.

The applicant was made aware that the event would be monitored throughout and if a noise nuisance occurred he would be personally liable for prosecution and sound equipment seized. The applicant fully accepted this and was willing to liaise widely to ensure the event was both successful and did not present any problems for residents near the site.

The Committee gave careful consideration to the application and it was agreed that in order to allow the event to go ahead it was necessary to impose additional conditions on the licence over and above the special conditions already being proposed.

Members agreed that the event should finish at 2 a.m. instead of 3 a.m. because noise would carry further across the water late at night. With regard to the event itself Members needed to be satisfied that before the licence was issued all the safety systems as described by the applicant would be finalised in time for the event. The Committee requested confirmation of the above to be given to the Proper Officer no later than Noon on Friday 3 September 2004. The Committee also requested that after the event the applicant furnish the Council with a set of audited accounts of costs and details of the donation given to the charity for whom the event was being held.

**RESOLVED that -**

**the Occasional Public Entertainments Licence in respect of 'Al Fresco' Junior Beats at John Battleday Waterski on Friday 3 September 2004 be granted, subject to the regulations and general conditions and the special conditions as set out below:-**

- i) The number of persons to be admitted shall not exceed 600 and numbered tickets must be issued and produced on demand to ensure the limit is not exceeded.**
- ii) The Licensee shall ensure that any music provided at the premises, the subject of this licence, shall not cause a disturbance to local residents and that any form of amplification shall be so controlled by the Licensee as to prevent such a disturbance. Any live or other music shall cease no later than the time given in the Public Entertainment Licence. Noise levels will be controlled at all times and in addition, from midnight until the end of the event noise shall be controlled to ensure that it is not audible beyond the boundary of the site.**
- iii) The use of laser effects lighting at music and dancing entertainments, the subject of licences under the provision of the Local Government (Miscellaneous Provisions) Act 1982, is prohibited without the specific**

consent of the Licensing Authority;

- iv) **EXIT signs throughout the premises shall be illuminated at all times when members of the public are present;**
- v) **EXIT doors and gates shall be unlocked and unbolted and the keys of the key operated locks and bolts kept in the possession of a responsible person during the presence of the public;**
- vi) **The pontoon bridge is not to be used for any large scale evacuation and its loading must never exceed the level approved by the manufacturer. The public must be directed to one of the alternative exits through Thorpe Park. Access and egress for emergency vehicles must also be maintained through these alternative exits;**
- vii) **Attention is drawn to the Additional Conditions Relating to Entertainments Taking Place Wholly or Mainly in the Open Air, adopted by the Council on 15<sup>th</sup> July 1992. Particular attention is drawn to the need for toilets at the level required by paragraph 15.30 and a back up generator or other approved method of emergency lighting to maintain safety in case of power failure (para 15.13);**
- viii) **A plan of the site must be submitted with the application indicating the area to be used for public entertainment. Public entertainment must be restricted to the areas as indicated on the plan. Within those areas and to a reasonable distance either side, a brightly coloured taped barrier will be erected at a height of 1.5 metres and at least 2 metres back from the waters edge, in order to reduce the risk of the public entering the water. Adequate life belts or similar buoyancy aids will be provided and be clearly visible;**
- ix) **The Safety Plan must be submitted in support of the Public Entertainment Licence application and be adhered to by Mr Walshe/Junior Beats, staff and any contractors or other personnel employed for the event;**
- x) **The event to finish at 2 a.m. on Saturday morning 4 September 2004;**
- xi) **After the event, the applicant to submit to the Licensing Authority audited accounts of the costs of the event and details of the donation given to the charities being supported by the event; and**
- xii) **No later than Noon on 3 September 2004, the applicant to furnish the Proper Officer with confirmation that all necessary safety systems have been put in place for the emergency access and egress through Thorpe Park, the provision of qualified first aiders for the event and the provision of contact telephone numbers for event organisers, John Battleday and the applicant.**

Chairman

(The meeting ended at 7.08 p.m.)