

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'A'  
27 SEPTEMBER 2010

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING  
18 NOVEMBER 2010

(To be read in conjunction with the Agenda for the Meeting)

- \* Cllr Mrs Gillian Beel
- \* Cllr Bryn Morgan
- \* Cllr Mrs Carole King
- \* Present

5. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Mrs Gillian Beel was elected Chairman for this meeting of Sub-Committee A.

6. MINUTES (Agenda Item 2)

The Minutes of the Meeting held on 5 July 2010 were confirmed and signed.

7. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests raised under this heading.

**PART I – RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

**PARTS II AND III – MATTERS OF REPORT**

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

**PART II – Matters reported in detail for the information of the Committee**

8. LICENSING ACT 2003 - APPLICATION FOR REVIEW OF A PREMISES LICENCE – THE MERRY HARRIERS, HAMBLEDON ROAD, HAMBLEDON, GODALMING, SURREY GU8 4DR

- 8.1 The Licensing Manager introduced the application for a review that had been brought by Waverley Borough Council Environmental Health Officers and outlined the matter that the Sub-Committee was being asked to decide.
- 8.2 The Chairman then drew attention to a written statement from one of the Ward Councillor, Cllr Adam Taylor-Smith, who had been unable to attend the meeting but had wished to make his observations known and to offer to help facilitate dialogue between the licence holder and supporter of the review.

- 8.3 The Head of Democratic and Legal Services then explained that extracts from some of the letters from objectors to the review had been removed from the printed agenda papers. This was because some comments had not been relevant to the reason for the review being called and were considered to be unhelpful in tone. However, there were some comments from the licence holder that were relevant and these were tabled as additional information.
- 8.4 The Chairman then clarified some inaccuracies in comments from objectors to the review and that the review had been called in relation to noise nuisance only. The purpose of the hearing had not been to examine whether the premises was in any other way a well run pub which contributed to village life.
- 8.5 The Solicitor to the Council then outlined the steps the Sub-Committee may take in order to promote the licensing objectives.
- 8.6 Environmental Health, the applicant, then outlined their reasons for initiating the review. They had received complaints regarding noise nuisance from music coming from the premises and advised of their process for monitoring and dealing with noise nuisance and their duty to protect residents. They were concerned that the premises licence holder was not promoting the licensing objective relating to the prevention of public nuisance, and accordingly they had requested that she be removed from the licence on the grounds of poor management of the premises.
- 8.7 The solicitor representing the supporters of the review said that his clients had no wish to see the pub closed, but were asking for the number of music events to be reduced and for the music volume to be kept to a reasonable level. Although indoor music events were scheduled at one per month, this had been supplemented in the last year by Temporary Event Notices (TENS) for outdoor music events. The supporters' solicitor then suggested the addition of some conditions to the licence to help alleviate the problem.
- 8.8 One supporter of the review then said that the noise nuisance spoiled her enjoyment of her leisure time and use of her garden and caused stress due to the uncertainty of whether a music event may take place and spoil or restrict her sleep and leisure time.
- 8.9 Following comments from the supporter and objectors to the review, Environmental Health confirmed that in their opinion the noise had been unacceptably loud and impacted on the neighbour's enjoyment of her home.
- 8.10 Objectors to the review did not agree that the frequency of events nor the volume of music was sufficient to be a nuisance to local residents. However, Environmental Health Officers clarified that the location of the supporters' house in relation to the pub and the fact that there was no natural or man-made barrier to deflect the noise, especially from the pub garden, meant that her house was unacceptably affected.
- 8.11 The licence holder then produced a record of music events held or proposed during the year. Environmental Health Officers also had a record of events and their monitoring and following agreement from all parties the Chairman ADJOURNED the meeting at 11.20 am so that these could be considered.

The meeting RECONVENED at 11.35 am.

8.12 The Licensing Manager then clarified that the current licence allowed for live music inside the premises only on one occasion per month, and for recorded music 7-days a week inside and at regulated times only.

8.13 The Head of Democratic and Legal Services then clarified the position regarding the serving of TENS and that the Council as the Licensing Authority had very little control over them. The only responsible authority that could object was the Police and this would be for crime and disorder issues only.

8.14 Following closing statements, the Sub-Committee then withdrew at 12.32 p.m.

Following the Sub-Committee's deliberation the meeting resumed at 1.46 p.m.

During the deliberations the Solicitor to the Council was asked to advise the Sub-Committee on suitable wording for a condition and reasons.

8.15 The Sub-Committee considered that the licence holder had not complied with the Licensing Objective relating to the Prevention of Nuisance (LO3) but considered that presently it was not necessary to remove the DPS as requested in the review by the Environmental Health Service.

The Sub-Committee therefore RESOLVED to:

modify the conditions in the licence, for clarity, as follows:

1. there shall be no live music or recorded music outside the premises at any time under the terms of this licence;
2. all doors and windows to be kept closed at all times while music is being played except for access and egress;
3. noise insulation to be installed and maintained at all doors and windows in the room where entertainment takes place to prevent noise escape;
4. a noise limiter to be used and maintained at all times when regulated entertainment takes place indoors.

The above conditions to be applied so as to prevent nuisance to neighbouring residential premises from regulated activities.

The Sub-Committee also wished to encourage both parties to take advantage of the offer of mediation from the Ward Councillor, Cllr Taylor-Smith, to facilitate dialogue between all parties.

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27.09.10

The Sub-Committee reminded those present that should there be any cause for concern in the future, legislation allowed for members of the community to contact their licensing authority with complaints over the operation of premises, leading to a possible further review of the licence.

**The meeting commenced at 10.00 am and concluded at 1.52 pm.**

Chairman