

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING COMMITTEE**

Minutes of a meeting of the Licensing Committee held at the Town Hall, Reigate on Monday, 14th July 2008 at 7.00 p.m.

Present: Councillor A.M. Lynch (Chairman); Councillors V.W. Broad, B.C. Cowle, J.M. Ellacott, Mrs. S.F. King, R.S. Mantle, Mrs. C.E. Poulter, Dr. D.L.J. Poulter, R. Rampertab, Mrs. A.F. Tarrant and R.F.C. Wagner.

Also present: Councillor S.N. Farrer (part meeting only).

#### **9. MINUTES**

**RESOLVED** that the Minutes of the meeting held on 20th May 2008 be approved as a correct record and signed.

#### **10. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A.J. De Save, R. Harper, N.D. Harrison and Mrs. R. Mill.

#### **11. DECLARATIONS OF INTEREST**

None.

#### **12. LICENSING PROCEDURE RULES**

**RESOLVED** that the Procedure Rules for meetings of the Licensing Committee be noted.

#### **13. APPLICATION FOR A PREMISES LICENCE - PRIORY PARK OPENING CELEBRATIONS, PRIORY PARK, BELL STREET, REIGATE**

The Committee received an application for a Premises Licence in respect of the above event.

The Committee followed the adopted procedure for the consideration of applications under the Licensing Act 2003 taking account of the Statement of Licensing Policy that had been adopted by the Council.

Copies of the application, a location plan, plan of the premises, event running order, event management plan, safe systems of work document and Notice of Hearing were attached to the submitted report, together with copies of the representation that had been received within the specified period from the Responsible Authority for Environmental Protection.

The Committee heard the report of the Licensing Officer and were addressed by the applicant's representative.

Questions were put to the applicant's representatives, who were then invited to give their closing statements.

On completion of the Hearing, the Committee deliberated its decision from 7.06p.m. to 7.10p.m. "in camera". The Chairman explained that the Committee had taken account of the following factors in reaching its decision. Members had regard to the representations submitted by the Responsible Authority for Environmental Protection and noted that they had mediated that the applicant's conditions in relation to noise be replaced by the noise conditions proposed by the Responsibility Authority for Environmental Protection.

The Committee took into account the Council's own Statement of Licensing Policy and the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. It also considered the impact of the Human Rights Act.

**RESOLVED** that the application for the Premises Licence for Priory Park Opening Celebrations, Priory Park, Bell Street, Reigate be granted subject to the additional conditions set out in (i) to (x) below (replacing any other relating to noise control in the application):

(i) Except during the carrying out of sound checks as detailed herein, and between 19:00 and 22:00 on Friday no music shall be audible within noise-sensitive premises with the windows open in a typical manner for ventilation. The test for compliance with this condition is that the noise shall be no more than barely audible at or close to the boundary of any residential premises (at a position to which the organisers are allowed access).

(ii) The sound levels from any live music between 19:00 and 22:00 on Friday shall not exceed 65 dBA measured as a 15 minute **Leq** over any 15 minute period when measured (at a position to which the organisers are allowed access) at or close to the boundary of any residential premises.

(iii) The sound levels from any recorded music between 19:00 and 22:00 on Friday shall not exceed 60 dBA measured as a 15 minute Leq over any 15 minute period when measured (at a position to which the organisers are allowed access) at or close to the boundary of any residential premises.

(iv) A noise complaint system shall be put in place and shall consist of the Borough Council's "out of hours" telephone number 01737 276000. This telephone line shall be open and be operated by council persons at all times throughout the period beginning

09.00 to 24.00 Friday. Prior to the Friday event the number shall be provided to all the emergency services, the Licensing Team and the Environmental Protection Team. Details of every call relating to the above event shall be forwarded to the event Duty Officer and be fully logged. A response shall be made by the appointed person, if necessary, and in a substantive way. A response will then be made back to the complainant. The log shall be annotated with a description of the action taken in respect of every call. (An example of an appropriate response would be to explain to the caller the nature of the event and its finish time and that noise levels have been set by condition and to make noise level measurements at the complainant's property with a sound level meter. If noise levels exceed those set by condition, appropriate action shall be taken by the sound engineers to reduce sound levels).

(v) All electrical power not provided from the national grid will be supplied by super-silent generators only, to ensure no noise disturbance from un-silenced units. Except between 09.00 and 23.30 hours no generator shall be audible within any room of any noise sensitive premises, with the windows left open for normal ventilation. The test for compliance of this condition is that the noise shall be no more than barely audible outside any noise sensitive premises.

(vi) The organisers shall employ the services of a suitably qualified person to undertake noise measurements at the (accessible) boundaries of noise sensitive properties for the duration of the period 19:00 to 22:00 on Friday. This must entail the measurement of noise levels in such a way that potential breaches of the 15 minute conditions can be identified before they occur and corrective action taken to prevent a breach. The person undertaking these measurements must be able to immediately contact the person in control of the noise levels (for example, controller of the mixing desk).

(vii) If the sound levels exceed 65 dB LAeq, 15 min for the music referred to in ii) above or 60 dB LAeq, 15 min for the music referred to in iii) above the persons monitoring the sound levels shall have the authority during the event to direct that appropriate action be taken to reduce the sound levels to below 65 and 60 LAeq, 15 min respectively at noise sensitive properties.

(viii) A sound check shall be conducted on Friday afternoon at 14:00. Members of the Environmental Protection Team shall be invited to be present to ensure that sound levels are set such that they do not exceed the levels stated above. The Environmental Protection Team shall be given at least 48 hours notice of any variation of the time of the sound check.

(ix) Within three weeks of Friday the persons who undertook the noise monitoring shall furnish the Responsible Authority for Environmental Protection a report detailing their findings during noise monitoring and detailing any breaches of the above levels detected.

(x) Within three weeks of Friday the organisers shall provide a true and complete copy of the complaint log including details of the calls and action taken in response.

Note. These conditions are intended to apply in respect of the live performances of bands on the stage on Friday (and recorded music associated with those performances). It has been stated that these performances will start no sooner than 19.00 and end no later than 22.00 and it is with these undertakings that these conditions have been drawn up.

#### Definitions

"Noise sensitive premises" includes premises used for residential purposes, hospitals and similar institutions, education establishments, when they are in use as such, places of worship and any premises used for any other purposes likely to be affected by the music.

"Friday" means the Friday of the event, being 18th July 2008.

#### 14. ANY OTHER URGENT BUSINESS

None.

**The meeting closed at 7.14 p.m.**