

BOROUGH OF REIGATE AND BANSTEAD
LICENSING AND REGULATORY SUB-COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Sub-Committee held at the New Council Chamber - Town Hall, Reigate on 30 November 2018 at 11.00 am.

Sub Committee: Councillors K. Foreman, Mrs. R. S. Turner and D. Allcard (Substitute).

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor R. Biggs and Councillor D. Allcard attended as the Standby Member to complete the Sub Committee membership.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

Councillor Foreman indicated that, for the avoidance of doubt that although Priory Park was mostly owned by the Council the determination of the application before the Sub Committee would be based entirely on the consideration of the licensing objectives as the licensing authority. It was noted that land ownership was not a relevant consideration for the application.

3. LICENSING HEARING PROCEDURE NOTE

RESOLVED to note the procedure note to be followed at the discretion of the Chairman.

4. APPLICATION FOR A NEW PREMISES LICENCE FOR REIGATE PRIORY PARK, BELL STREET, REIGATE RH2 7RL

In attendance and speaking (*) at the hearing:

Applicant	<i>Mr Peter Mayhew* (Applicant's Agent)</i> <i>Ms Samantha Hasler, Applicant</i>
Responsible Authority	<i>Ms Eugenia Govett,* Environmental Services Officer</i>
Making public representations:	<i>Mr William Bullock*</i> <i>Mr Roy Mundy*</i>

The Sub Committee was requested to determine an application for a new premises licence for an annual 3 day local festival to be held in Priory Park, Bell Street, Reigate.

Full details of the application and representations received were as set out in the report. The Sub Committee had also received an Addendum containing a Noise Management Plan submitted by the applicant after the publication of the agenda for this meeting.

The Chairman asked if any agreement had been reached in relation to any of the issues in dispute between the applicant and the responsible authority for environmental protection. It was reported that agreement had been reached on a number of conditions to be applied to the licence, if granted, but there remained a dispute in relation to the hours in which live and recorded music could be played.

Details of the proposed conditions were tabled and the Chairman adjourned the meeting to allow all those present to read through them.

The hearing was adjourned at 11.15 am and resumed at 11.25 am.

The Chairman invited the Licensing Officer to present the report.

The Licensing Officer advised that the application was for a three-day event to be held annually, catering for up to 4999 people.

The application had been the subject of 15 written representations that were relevant for consideration as part of the licencing objectives. Other representations had been received that were not relevant to those objectives. Only those representations relevant to the four licensing objectives (prevention of crime and disorder; public safety; prevention of public nuisance and the protection of children from harm) should be taken into consideration by the Sub-Committee in determining the application. However it was noted that the Safety Advisory Group would give consideration to related operational matters should the application be granted (working with the applicant). The Licensing Officer made reference to the consultation process that had facilitated the agreement on conditions with the Applicant.

Following the Licensing Officer's introduction, the Chairman invited the applicant's agent, Mr Mayhew, to make any public submissions in support of the application.

During the course of the presentation the following points were noted:

- The applicant referred to the proposed event as being family friendly;
- That the event management details were at an early stage of planning awaiting the decision on the application;
- That a significant number of conditions had been put forward to provide a framework for the operation of the licence;
- The Noise safety and event management considerations that had been offered;
- The application was for a once a year event and admission would be by ticket only;
- Arrangements to notify residents in advance of the event as a local rather than a national event;
- No police representations had been received;
- The additional conditions that had been agreed with the Environmental Health Officer;

- The reasons for seeking a licence for music up to 11pm on Friday and Saturday;
- Responses to representations received from residents in relation to noise; litter and waste; anti social behaviour; traffic; and the perpetuity nature of the licence.

The Chairman thanked the applicant's agent and invited Ms Govett to make representations on behalf of the Responsible authority for Environmental protection, during which the following points were noted:

- That most of the concerns in their representations had been mediated through discussion with the applicant with the exception of the time limit for the live and recorded music which they had put forward as finishing at 10pm on Friday and Saturday nights for the following reasons:
- To limit the impact of noise nuisance to neighbours across the three days of the festival; and
- Following comparison with other events that applied similar conditions.

The Chairman thanked the responsible authority for their representations and invited public representations.

Mr Bullock, representing the Park Road Reigate Residents' Association, addressed the Sub Committee and the following points were noted:

- Concern regarding the noise across a 3 day festival on residents and potential public nuisance;
- The advice from Environmental Health on the noise code of practice was out of date;
- That the level of acceptable noise from the festival should be 55 decibels at surrounding properties monitored by equipment along the Park's boundary;
- Requesting that a contact number for the event being provided to residents for them to submit complaints;
- The history of previous applications at the park having been refused;
- Clarification of the operation of the Noise Management Plan;
- Lack of clarity about the details of the use of the Priory Park as a public open space and the wider impact on other users of the park;
- Parking issues from the potential number of visitors to the Festival;
- Time limit for music on Friday and Saturday being restricted to 9pm;
- Requesting that a new application be considered each year so that the implications of the event can be reviewed;
- Impact on the park's maintenance with a request for more transparency in the process including a cost benefit analysis; and
- Conflict with the operation of the Priory Park Junior School.

The Chairman thanked Mr Bullock for his representations and invited Mr Mundy to make his representations to the Sub Committee.

Mr Mundy addressed the Sub Committee and the following points were noted:

- That the event, if approved a licence, could conflict with a Beer festival held in Tunnel Road, Reigate which would be at risk of losing its viability if it was competing with the festival in Priory Park; and

- park rental arrangements.

The Chairman thanked everyone for their oral submissions and opened the floor to questions, during the course of which the following points were noted:

- Councillor Mrs Turner enquired if residents could be provided with more notice than the proposed 1 month period and sought a definition of 'immediate vicinity' for who would be advised.

The applicant responded to say that the notice period had been agreed with the Environmental Health Officer and that in practice the event would be publicised well in advance of one month as part of their marketing arrangements. No area had as yet been defined for the immediate vicinity which they were happy to agree with the Environmental Health Officer.

The Sub Committee were advised that the proposed condition related to a leaflet for complaints to be submitted rather than a general notice to residents. It was noted that the latter could form the basis of an additional condition.

- Councillor Allcard sought clarification on whether the licence would permit other stall holders to sell alcohol and what arrangements would be placed for managing litter and waste.
The applicant responded to say that side stalls would form part of the festival and could sell alcohol which would be managed through the event management plan. It was confirmed that litter and waste would be managed (using lockable containers or screened off areas) and would be recycled where possible. However it was noted that these were not licencing matters to be considered as part of this application.
- Councillor Mrs Turner requested an understanding of the impact on emergency vehicular access if the festival resulted in congested local roads.

The applicant responded to say that access to the site would be kept clear but that other related matters would be for consideration through the Safety Advisory Group and not as licencing matters.

- Councillor Foreman sought clarification on the impact of the different sound levels from the festival.

Ms Guvett indicated that the proposed 65 decibels was what they would expect for an urban outdoor event, but that she did not have immediate access to comparative information.

- Mr Bullock sought further information on the parking implications and to understand the rationale for an annual event.

Mrs Mitchell responded by confirming that other measures were in place to allow for a review of the event which could include powers to issue a closure order if necessary.

Mr Mayhew responded to indicate that the event was a local one and that those attending were expected to walk rather than drive or use public transport.

The Chairman ascertained that everyone had had an opportunity to put questions or seek clarifications and then invited the parties to make closing remarks.

The Environmental Health Officer concluded by reiterating the importance of the 10pm finishing times on Friday and Saturday nights.

Mr Bullock emphasised the issue of noise on local residents and questioned whether it was a suitable venue for such an event.

Mr Mundy concluded by making reference to the process for reviewing licences and the lessons learnt for the future following the event.

The applicant's agent, Mr Mayhew, concluded by saying that:

- the event was once a year;
- that they could not be held to account for other events in the area which were irrelevant to the application;
- that the application was for up to 4999 visitors;
- that they would work with the Priory Park Junior School any issues;
- that fixed noise monitoring mechanisms would be affected by external noise factors and could distort the monitoring arrangements; and
- that the viability of the event was reliant on the music being available to 11pm on Friday and Saturday evenings.

The Sub Committee adjourned to deliberate at 12.52 pm

and resumed at 2.11 pm to give its decision.

The Licensing and Regulatory Sub Committee **RESOLVED** that the application be **GRANTED subject to the following conditions.**

1. The Premises Licence Holder shall notify the Licensing Authority and the Environmental Protection team of the selected date for any concert or event at least three months in advance of the event.
2. The Premises Licence Holder shall notify residential, local business and schools within the immediate vicinity of the Application Premises, of the selected date for a concert or event at least three months in advance of the event, by display of notices at or in close proximity to the Application Premises. This shall be in addition to any other method of publicity undertaken by the Applicant.
3. The Premises Licence Holder will arrange for a noise survey to be undertaken by a suitably qualified person and suitable measures shall be specified by that person and those measures shall be put in place in order to ensure that the noise levels below will be met:
 - The sound levels from the music at the event will not exceed 65dBA measured as a 15 minute LAeq over any 15 minute period when measured at or close to the boundary of any residential premises to which the organisers are allowed access.
4. Each yearly event shall be subject to a Noise Risk Assessment. The assessment shall be submitted to the Environmental Health Team at least eight weeks in advance of the event.

5. Residents and schools in the immediate vicinity shall be notified one month in advance by means of a suitable leaflet giving the date and times of the concert or event and a telephone number to whom complaints can be referred.
6. An allocated telephone number for complaints will be provided to the Local Authority's Licensing and Environmental Health departments no less than seven days prior to the event. This number will be contactable throughout the duration of the event and be manned by responsible individuals. The list of Responsible named Individuals will be supplied to the Authority's Licensing and Environmental Health departments 7 days in advance of the event.
7. There shall be no live music after 22.00 hours (Friday & Saturday) and no recorded music (including background music) after 22.45 hours.
8. Organisers should produce a Noise Risk Assessment. Organisers need to demonstrate in the assessment that the location of all stages and marquees where music is to be played has been planned so as to minimise the impact on the noise sensitive premises identified. Any measures to mitigate the noise levels from the music sources must also be considered in the Noise Risk Assessment.

Within the noise risk assessment we would expect as a minimum:

- a. A plan of the premises showing the location of the main stage(s) and marquee(s) will be provided.
- b. Identify noise sensitive premises (includes premises used for residential purposes, hospitals, schools and similar, places of worship and any premises used for any other purposes likely to be affected by the music)
- c. Demonstrate in the assessment that the location of all external stages and marquees where music is to be played has been planned so as to minimise the impact on the noise sensitive premises identified.
- d. Consider any measures to mitigate the noise levels from the music sources for example the use of delay or circuit speakers, and compressors or limiters on the sound system. It is also important to set maximum levels for the low frequency levels (bass) as these cause the most disturbances to local residents.

Reasons for the decision

The Licensing & Regulatory Sub Committee has carefully reviewed all the papers before it and has had close regard to all the oral submissions made at the hearing.

The reasons for the decision are as follows:

1. The Sub Committee is satisfied that the applicant has agreed to provide a comprehensive Event Management Plan to the Responsible Authorities.
2. The Responsible Authority for Environmental Health has confirmed that the conditions to be attached to the licence, put forward by the applicant in mediation, overcome its concerns and that it no longer objects to the application.
3. The Sub-Committee has noted the intention of the applicant to work closely with residents to ensure that the event does not cause nuisance.

4. The Sub-Committee has had regard to the Licensing Objectives, Section 182 Licensing Act 2003 statutory guidance and its own Statement of Licensing Policy, in particular Section 8.
5. The applicant has given due regard to the individual merits of this application, s149 Equality Act 2010, Human Rights/ECHR legislation in particular article 8 and article 1 First Protocol and the rules of natural justice.

General Observations

The Sub-Committee requested the applicant to ensure that they engage proactively and positively with Reigate and Banstead Borough Council's Safety Advisory Group.

5. MEDIATED APPLICATIONS

None.

The Meeting closed at 2.21 pm