

Licensing & Appeals Sub-Committee – 25 November 2021

Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **25 November 2021** when there were present:-

Chairman: Cllr D S Efde

Cllr J N Gooding

Cllr C M Stanley

Cllr R R Dray (Reserve Member)

OFFICERS PRESENT

S Worthington - Principal Democratic and Corporate Services Officer
S Greener - Principal Licensing Officer
C Irwin - Solicitor
S Sheridan - Senior Environmental Health Officer
K Hines - Democratic Services Officer
Weronika Szyszka - Democratic Services officer

APPLICANTS

Mr and Mrs Robertson

ALSO ATTENDING

Mrs and Ms Neville

12 PROCEDURE DOCUMENT

The Sub-Committee noted the procedure to be followed in hearing the appeal.

13 LICENSING ACT 2003 – LICENSING APPLICATION

The Sub-Committee considered the report of the Assistant Director, People & Communities setting out details of an application for a Temporary Event Notice (TEN) made under Section 100 of the Licensing Act 2003 in respect of a birthday party to be held at 43 Tillingham Way, Rayleigh on 4 December 2021 from 1800 hours until 2359 hours.

The Council's Environmental Health Officer advised that the location of the premises which was the subject of the TEN application was in a cul de sac surrounded by residential properties. In the locality there was sheltered accommodation at Chignal House, which provided sheltered accommodation in 44 flats for elderly people. The birthday party would be held in a marquee at 43 Tillingham Way, for which there would be no noise attenuation, given that marquees were acoustically transparent. Even low music frequencies would travel far from a marquee. There was the potential for people to sing along to the music, etc, which would increase noise levels. She further emphasised that ambient noise levels were generally reduced at night time. Noise would

travel and there was the potential for noise to travel associated with up to 100 people lingering and dispersing from a quiet cul de sac at midnight.

In response to a Member question relating to the proximity of other properties to the party location, it was noted that the marquee would be situated This was in the middle of a residential, built up area surrounded by residential properties on all 4 sides. There was a footpath in that vicinity with the sheltered scheme at the other end of the footpath.

In support of the application, the applicants stated that they had been running an events business for 21 years. During that time they had never received any noise complaints. They had run events at many local venues including the Rayleigh Club, Saxon Hall, Holiday Inns in Southend and Basildon, as well as similar events in marquees in residential gardens and had a wealth of experience in events management. They advised that bass levels would be lowered, the marquee would be lined, sound levels would be recorded with a decibel meter, the marquee door would be kept closed. They emphasised that during the pandemic people were more tolerant of parties in gardens.

Mrs Neville had notified her neighbours in advance about the party, many of whom had been invited to attend. The application was for up to a maximum of 100 persons to allow for fluctuations in numbers; however, there would in reality be less than 100 attending the party. The party was due to start at 7.30 pm.

All of their close neighbours had confirmed that they were happy for her to hold a one off party.

In response to questions, the following points were noted:-

- There was plenty of parking in the vicinity and there was also a driveway at the property that could accommodate up to 5 cars. A member of staff would monitor parking and would ensure that no driveways were blocked and that parking was considerate.
- A lot of attendees would be travelling by taxi.
- The volume of 80 decibels could be lowered; however, 80 decibels was a fairly low level and the sound would be controlled. The marquee would be heated and as such the door would not be kept open. The marquee was around 10m by 6m.

The Environmental Health Officer concluded by reiterating that the marquee would be situated in a residential garden and that a TEN could not be conditioned. In addition, it would not be possible to impose a condition around the lowering of the decibel level.

The applicants concluded by emphasising that they would do their utmost to minimise disruption to local residents. This was a one off party, not a regular

event. The event would be managed responsibly.

The Sub-Committee retired from the hearing with the Legal and Democratic Services officers to consider the decision and returned for its announcement. It had considered all the written evidence, including the objection notice from Environmental Health, and the representations made at the hearing.

The Sub-Committee noted that the venue was not a licensed premises and that therefore no conditions could be attached to a Temporary Event Notice. It was also sensitive to the fact that the event was due to be held in a marquee in the garden of a residential property in a built up residential area with sheltered accommodation in the locality. The Sub-Committee was also mindful of the fact that up to 80 persons could generate a considerable amount of noise. There was also the potential for people to linger once the music stopped at midnight. The Sub-Committee was also aware that car doors slamming late at night could cause disturbance to local residents.

The Sub-Committee was sensitive to the fact that the applicants had a proven track record of holding similar events in marquees in residential gardens and that the marquee would be lined and heated with the door closed for the majority of the time. It noted that hourly noise checks would be conducted at the property with sound levels recorded by a decibel meter and that the sound level could be reduced, if necessary, on the night. In addition, it noted that neighbours in close proximity had been invited to attend the party and that a member of staff would monitor parking ensuring that no driveways were blocked and that parking was considerate.

The Sub-Committee was also mindful of the fact that this was a one off event and that the occupants of 43 Tillingham Way could hold the event without the need for a temporary event notice. The operation of the event by an experienced events company would offer a greater degree of control.

The Sub-Committee therefore did not consider that a Counter Notice would assist in promoting the licensing objective of prevention of public nuisance and considered that the licensable activities as stated in the Notice should be permitted.

The Sub-Committee emphasised to the applicants the importance of monitoring car parking at the beginning and the end of the event and of the need to regularly monitor noise levels at the property for the duration of the event.

Resolved

That the licensable activities as stated in the Notice be permitted. (ADPC)

The meeting commenced at 1.30 pm and closed at 3.14 pm.

Chairman

Date

UNCONFIRMED

If you would like these minutes in large print, Braille or another language please contact 01702 318111.