

Licensing Sub-Committee – 22 May 2018

Minutes of the meeting of the **Licensing Sub-Committee** held on **22 May 2018**
when there were present:-

Cllr Mrs J R Gooding
Cllr Mrs L Shaw

Cllr A L Williams

VISITING MEMBERS

Cllr R Milne
Cllr Mrs C E Roe

OFFICERS PRESENT

R Hurst	- Senior Solicitor
S Greener	- Licensing Officer
C Irwin	- Solicitor
M Howlett	- Environmental Health Team Leader
S Sheridan	- Senior Environmental Health Technical Officer
S Worthington	- Democratic Services Officer

4 APPOINTMENT OF CHAIRMAN

Cllr A L Williams was appointed Chairman of the Sub-Committee.

5 PROCEDURE FOR LICENSING HEARING

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

6 LICENSING APPLICATION – LICENSING ACT 2003

Temporary Event Notice Application: Red Door, Rayleigh

The Sub-Committee considered an application for a temporary event notice made under section 100 of the Licensing Act 2003 in respect of Red Door, 131 High Street, Rayleigh, SS6 7EW. Members had before them the report of the Assistant Director, Legal Services setting out the details of the application and the representation received from Environmental Health.

In response to a Member question relating to the conditions in force on the current premises licence, the Licensing Officer confirmed that the conditions attached to the current premises licence could be added to a temporary event notice; however, no additional conditions could be applied. It was emphasised that conditions relating to Fridays/Saturdays currently applied to the premises licence could also be applied to a temporary event notice for the premises.

The Environmental Health Officer advised that there had been a recent complaint from residents relating to noise issuing from the premises. The officer drew attention to conditions 19 and 26 of the current premises licence,

which had not been complied with. She confirmed that no noise limiters had been installed in respect of the amplification equipment at the premises. In addition, the premises had not previously submitted a noise management plan to Environmental Health. However, a sample noise management plan had recently been provided to the premises licence holder.

The Environmental Health Officer advised that there were residential properties in the area, to the rear of the premises. The noise complaint was currently being investigated by the Council.

The applicant emphasised that he ran the premises to a high professional standard. He stated that when he had first established the Red Door, a noise management plan had been drawn up and submitted to the Council, with a confirmation email subsequently received. He clarified that a pink, food hygiene form and white noise management form were submitted to the Council at the same time around four years ago.

He confirmed that there was only a domestic sound system in place at the premises, which was not compatible with noise limiters. He advised that noise checks were conducted at the front and rear of the premises and that these were recorded and filed at the premises, up to date and available for inspection. He stated that he had drawn up another noise management plan which was available to submit to Environmental Health. He therefore believed that the premises were compliant with conditions 19 and 26 of the premises licence.

He stressed that the only residential properties in the vicinity of the premises were flats to the left of the Red Door, which were built last year, but weren't above the premises, and the Police Station, which was no longer in use.

He emphasised that the premises staff had done all that had been asked of them and that previous applications for temporary event notices had been granted and events had taken place without any issues arising.

He stated that their customers were high end clientele and responsible drinkers. He did not believe that the noise complaint that had been made was a genuine one and felt that it was likely to have come from one of their competitors.

The application had been made for a very popular entertainment act, 'Old Hat', which was made up of two gentlemen who performed old style songs and had been organised for the Thursday of half-term when a number of school teachers were likely to attend the event.

The premises had last operated a temporary event notice some time last month.

The following responses to Member questions were noted:-

- Door supervisors would not be on duty during the planned event, as a risk assessment that had been conducted by the premises showed that there were unlikely to be sufficient customers to necessitate door staff.
- One member of staff employed would specifically monitor that there would be no outside drinking beyond licensed hours for the external area and that no glasses were taken outside, that customers were not being a nuisance.
- A minimum of 9 members of staff are employed at the premises during busy times.
- Old Hat would be paid to perform a full set, with intervals, which was why the premises had applied for a temporary event notice.
- At the weekends the premises have live DJ acts performing, which attract different customers to those for Old Hat.
- The extra licensed hour that was being applied for in respect of the temporary event notice would be used to facilitate half an hour of music, with alcohol being sold up until 0100 hours, although sales would be cut down when the music stopped at 0030 hours. The time in the second box on page A.5 of the appendices for licensing hours should be amended to 0000 to 0130 hours, rather than 0000 to 0100 hours. The sale of alcohol would cease at 0100 hours, at 0115 lights would be raised, and the music turned down, with all regulated activity ceasing at 0130 hours.
- The premises did not experience any problems relating to customers drinking outside.
- No drinking glasses were permitted outside the premises.
- There would be a full team employed during the event.

The Environmental Health Officer stated that the department would wish to see a noise management plan and emphasised the need for an assessment to be made to establish at what level sound should be set on the premises sound equipment to ensure that noise levels were not such that noise could be heard at any boundaries with residential properties.

The Environmental Health Officer reiterated that a noise complaint had been received relating to the premises last week, prior to receipt of the application for a temporary event notice.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

The Sub-Committee had given careful consideration to the application and all written and verbal evidence presented, including the objection notice from

Environmental Health and verbal evidence given by the applicant and Environmental Health at the hearing. The Sub-Committee was mindful of evidence from Environmental Health that a noise complaint had been received recently, although this was currently under investigation and had not yet been determined. Furthermore, conditions of the existing premises licence relating to the management of noise at the premises had not been complied with; specifically, conditions 19 and 26.

The Sub-Committee also gave weight to the fact that previous temporary event notices had been issued at the premises without objection. It was mindful that the premises licence had been held for four years and that the applicant had now provided a noise management plan to Environmental Health during the course of the hearing. It also took into account the lack of previous complaints.

However, It equally took into account an active investigation into a recent complaint and emphasised its duty to promote the licensing objective of the prevention of public nuisance. It therefore considered it appropriate to grant the application, subject to the full set of existing conditions on the premises licence being applied to the temporary event notice including, for the avoidance of doubt, conditions 19 and 26, which should be complied with in full by 31 May 2018.

Resolved

That the application for a temporary event notice for Thursday, 31 May 2018 be granted, subject to the full set of existing conditions on the premises licence being applied to the temporary event notice, including conditions 19 and 26, which should be complied with in full by 31 May 2018. (ADLS)

The meeting commenced at 10.00 am and closed at 11.48 am.

Chairman

Date

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