

Licensing Sub Committee

Tuesday 29 September 2015

PRESENT:

Councillor Rennie, in the Chair.

Councillor Fry, Vice Chair.

Councillors Sam Davey (substitute for Councillor Singh) and Fletcher (Fourth Member).

Apologies for absence: Councillor Singh.

Also in attendance: Catherine Fox (Legal Officer), Rachael Hind (Environmental Health officer), Fred Prout (Senior Licensing Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 11.25 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

11. APPOINTMENT OF CHAIR AND VICE-CHAIR

Agreed that Councillor Rennie is appointed as Chair and Councillor Fry is appointed as Vice Chair for this meeting.

12. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

13. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

14. APPLICATION FOR TEMPORARY EVENT NOTICE IN RESPECT OF PREMISES: WILL'S AT ONE, RESIDENCE ONE, ROYAL WILLIAM YARD, PLYMOUTH

The committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicants that the application for the Temporary Event Notice (TEN) was for Saturday 3 October 2015 from 11 pm until 2 am Sunday 4 October 2015 for a wedding reception with a pay bar for a maximum of 190 people. The licensable activities intended with the notice are: the sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment;
- (c) prior to the meeting the applicants, having considered the objection from

Environmental Health, produced an e-mail within which they indicated they would be amending their application to exclude live music after 11 pm and proposed the following arrangements in an attempt to alleviate concerns and which they felt would make a considerable difference –

- they also had new figures for the days event; 90 guests will attend during the day with a further 60 arriving for the evening making a new total of 150 people (less a percentage of guests in the evening, as no shows - as with every event);
- whilst their intention by making the TENs application was to be able to offer their clients the opportunity to purchase alcoholic drinks during the planned event they did not intend to offer live music or suggest that it is permitted past 11 pm. They explained that this was their first and only TENs application notice they intended to submit this year. All other bookings planned fall within their current licence with serving of drink stopping at 11 pm and all guests have left the premises by midnight;
- they have appointed the services of an acoustic consultant for Saturday 3 October 2015 who will monitor the noise levels from within the grounds of Residence One, throughout Royal William and Admiralty Road. This company has had experience of working with another authority to reduce the complaints received in Plympton from the Volksfest. They are more than willing to work with the Environmental Health Department on this date to overcome and establish an acceptable standard for all concerned. The aim of this collaboration will be to work within the 5DB level that may be acceptable;
- they will be appointing a designated responsible person within Will's at One who will supervise any entertainment provided, consciously focusing on noise pollution from entertainment and guests in attendance;
- a notification letter to be issued to the residents of Admiralty Road and immediate adjoining premises. This they felt will provide them with plenty of notice for such an event and details with timings of the event, including an immediate contact name and telephone number for the appointed designated responsible person for that event;
- they are also investigating various forms of volume limitation controls eg electronic noise limit systems, where the volume is unable to go higher than the limits set by their conclusions from sounds tests and onsite 'Live' survey reports;
- they had also established that the placement of live music within the marquee area previously was not in the optimum position for noise reduction/limitation and had been wrongly placed. The angle and direction of speakers can also be altered and thought more consciously about, with the aim to project in the opposite direction to local residents' properties;
- they will start to move the clients from the outside area to inside Will's in the lower ground floor where a lounge area will be offered for guests to finish their evening in;
- they have also discovered various acoustic absorption systems such as

acoustic blankets and various acoustic panels that hang from the ceiling of a structure such as a marquee for future events but does need much further investigation and could not be implemented in a timely manner for this event (if at all);

- (d) At the hearing the applicants produced with the consent of the Environmental Health Officer a draft copy of a letter intended to be circulated to the local Stonehouse residents immediately adjacent to Admiralty Road behind their premise boundary wall and a plan demonstrating their proposed layout for the band, speakers, tables for guests, pay bar and preparation marquee.

They indicated that there had been no issues with policing since they opened, nor have there been any complaints from the residents at Royal William Yard to their knowledge.

They explained that the marquee would be positioned some 8 metres from the rear stone wall, the speakers would be facing towards their premises and away from the wall and the residents, the positioning of the service preparation marquee would also act as a buffer and reduce the sound.

- (e) heard from the Environmental Health Officer that –

- the Environmental Health Officer is of the view that the granting of the TEN applied for until 2 am is likely to cause significant public nuisance to local residents given the recent complaints made by local residents regarding excessively loud and intrusive music emanating from Residence Number One. These complaints are the subject of an ongoing investigation the details of which were provided as follows;
- Environmental Health have received complaints about loud music from the garden in Wills at One, Royal William Yard, since 4 August 2015;
- specifically its out of hour's service was contacted by two separate complainants at approximately 21.18 on 22 August 2015. Officers witnessed noise nuisance in the two residential properties from a live band in a marquee in the garden at Wills at One. The level of music witnessed by officers was such that it was clearly audible above conversation in the complainants' properties. Officers advised that the lyrics were clearly audible and were at such a level would prevent them being able to enjoy their home. The level was such that it could clearly be audible above the television and it would be impossible to read a book and would prevent sleep;
- correspondence was sent to the Premise Licence Holder and copied to the DPS. No response to these letters was received by Environmental Health;
- Environmental Health has concerns that the Temporary Event Notice which has been applied for a wedding for 190 guests until 2 am with regulated entertainment in the marquee is likely to cause a public nuisance to a number of residents;
- Environmental Health supplied a map which identified a number of residential properties directly behind the wall of the garden at Will's at

One (Admiralty Road and Mount Stone Road). Environmental Health from their investigations is aware that when used, the marquee is positioned very close to the edge of this wall;

- Environmental Health advised that noise in a marquee cannot be adequately controlled and is likely to have a negative impact on the licensing objective to prevent public nuisance;
- having considered the proposals set out within the applicants' e-mail, Environmental Health were still concerned enough to maintain their objection;
- Environmental Health welcomed the proposed letter to the residents. This is action they encourage;
- the layout will be a lot better but will still depend on the level of music and whilst a noise limiter would help you cannot get away from the fact that it is in a marquee and effectively outside;
- with specific reference to point 7 of the email, to move 150 guests inside at a particular time would be hard. There could still be a fair number of people outside;
- whilst the number of guests had reduced to 150 it still gave the potential for a lot of noise outside;
- whilst Environmental Health welcomed the involvement of the sound/technical consultants the event is still in a marquee and has the same impact as music in the open air;
- if the music, whether a live band or recorded music, goes on beyond 11 pm it will disturb people trying to sleep and at a time when background noise levels drop, will become even more prominent. Some of these neighbours have found noise from an event outside a nuisance at 9 pm;
- even if the music is without a DJ and is background, if it is providing entertainment it is regulated entertainment;
- it is a wedding and with people drinking, enjoying themselves they tend to talk loudly or sing whilst dancing and noise levels are very hard to control. That is why Environmental Health receive complaints about beer gardens without music;
- even with Environmental Health in attendance there is a limit to what intervention there can be with the numbers of people and with drink involved. There has to be a balance;
- in any future event with sufficient notice the Department could work with the applicants to resolve the issues and reach a solution;
- the 5 decibel level they have referred to is the level set as part of their planning conditions. Even with the input from the technical consultants Environmental Health do not think this is achievable in an outside live music/recorded music event.

In response to questions raised by Members it was reported that –

- the applicants had held a meeting with the sound consultants and a further meeting was to occur this afternoon;
- the applicants had liaised with the band who were going to attend on Friday 2 October together with the sound consultants to ensure appropriate control over the volume. Only vocals and drums would go through the main

- speakers, not any bass;
- once the band concluded there would be recorded music as background music but no DJ. There is a dance floor in the marquee;
- once the band had concluded its set at 11 pm they would encourage their guests to move into Residence One. The bride and groom had originally not wanted the band to start until 9.30 pm but they had insisted it be brought forward to 9 pm for a 2 hour set finishing at 11 pm;
- the stone wall will be 8 metres from the marquee. It is 4.2 metres high and 1 metre thick;
- on being asked how they would set about encouraging guests to move inside, Ms Hewitt indicated that would be her role. Whilst she would use her best efforts and perhaps try and encourage people in by music being inside she could not honestly say to the Committee that she could guarantee all would be inside by a certain time. It would be difficult. The best way would be to close the outside bar and she would have to warn guests earlier in the evening to prepare them. There could be uproar;
- the wedding ceremony is at a local church at 1 pm and they are expected to arrive at the premises just after 2 pm;
- the capacity for the premises agreed with the Fire Authority is 200. Whilst the tea rooms hold 50 for fine dining at this event the tables will be moved and the guests will have full use of the 2 rooms, the bar and lower basement and the connecting hallways thereby using the space as a whole. This will provide a capacity of 15 in the bar area and 80 to 90 in the rest. In addition there is space for 40 to 45 standing on the lower front terrace which is sunken and screened from the residents by the 4 storey building that is Residence One/Will's at One so noise from there should not be an issue;
- there were to be 90 for the day celebration with a further 60 guests invited for the evening reception due to start at 7 pm. From their experience not all from the day reception stay for the evening; that there are 9 children coming and they have usually left by 9 to 9.30 pm and elderly guests often do not stay late;
- the applicants are aware that complaints were made in August but were surprised that they were timed at just gone 9 pm. They are now posting events on their Facebook page and are finding that one or two are raising objections in advance;
- the applicants have met with Environmental Health for guidance and to work cooperatively with them to find a solution that works for all including the residents. They have been running the business for 12 months and are on a big learning curve and are eager to resolve these issues hence the employment of the technical expert and attempts to take on board suggestions and advice from Environmental Health;

Having heard the points made on behalf of Environmental Health and considered the questions posed by the Committee Members, and the various solutions they had responded with, the applicants were granted a short adjournment to consider what their proposed final arrangements would be for the event, to enable the Committee to reach a decision.

The applicants indicated that -

- the live band would start earlier at 8.30 pm and finish at 10.30 pm which would then give them half an hour within which to pack away;
- the dance floor would be moved from the marquee outside into the 2 rooms in the lower basement. The soft seating area with sofas they had proposed would be in the lower basement would move to the ground floor gallery;
- any music outside would cease from that point.

Members have considered the application and the objections made by Environmental Health. They have also considered the Home Office guidance and Plymouth City Council's licensing policy. They found that the objections from Environmental Health were relevant under the public nuisance licensing objective.

The Committee was concerned that the continuation of any form of music and dancing outside post 11 pm would cause a public nuisance through noise to the many flats and residences nearby. However, they were impressed by the honest and frank way the applicants had responded to difficult questions posed, and the sincerity of their stated willingness to cooperate with Environmental Health and to limit disruption to residents. They found their stated assurances that the live band will cease by 10.30 pm, be packed up by 11 pm and any form of music and dancing moved inside the premises, genuine.

The Members consider the action taken above to be appropriate and proportionate to promote the licensing objectives in light of the relevant representations and all that was said by the applicants.

The application is granted.

15. **EXEMPT BUSINESS**

There were no items of exempt business.