

# LICENSING SUB-COMMITTEE HEARINGS

## 19 FEBRUARY 2014

*Present :-* Councillors Julia Havis, Michael Lilley and Gerard Oxford

### 1. Appointment of Chairman

RESOLVED that Councillor Havis be appointed Chairman

### 2. Declarations of Interest

There were no declarations of interest.

### 3. Minutes

The minutes of the meeting held on 17 January 2014 were confirmed as a correct record.

### 4. Applications under the Licensing Act 2003 - Temporary Event Notice

The Head of Professional Services submitted a report in relation to the following Temporary Event Notice for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

- Car Park area of Wivenhoe Town Football Club

The Sub-Committee considered an objection to a Temporary Event Notice which had been received in respect of the Car Park area of Wivenhoe Town Football Club, Broad Lane Sports Ground, Elmstead Road, Wivenhoe to permit –

- The provision of regulated entertainment and the sale of alcohol on 4 May 2014 between 12.00 and 21.00

In Attendance

Applicant: Mr Harding  
Ms Rogers, for Wivenhoe Town Football Club

Objector: Mr Martin for Environmental Protection

Licensing Authority: Mr Samuel, Legal Services  
Mr Swain, Enforcement Officer  
Mrs White, Licensing and Committee Co-ordinator

Mr Swain gave a brief summary of the Temporary Event Notice (TEN) which had been received from Mr Harding in respect of the event he wished to run on 4 May on the car park of Wivenhoe Town Football Club and on the representation that had been received from Environmental Protection opposing this Notice.

Mr Harding addressed the Sub-Committee and outlined the nature of the event he wanted to run and the arrangements he intended to put in place to control the sound levels and to notify residents. He explained that his usual sound engineer had not been present at the previous event which had resulted in a large number of complaints; and to the objection made by Environmental Protection to this proposed event. Mr. Harding said that he was aware of the involvement of an Environmental Health officer on the evening of that event, who asked for the volume of music to be turned down. Mr. Harding confirmed that the volume was turned down as requested, and denied that it was turned up after the officer had left. Mr Harding stated that he was happy to work with the Council to ensure that the noise levels were set to an acceptable level for nearby residents and for a member of the Environmental Protection team to be present on the day to ensure that noise levels were acceptable. He proposed using a sound barrier made of hay bales to help shield local residents from the noise and the speaker system would be face away from the houses. Drinks would be sold from a marquee and not from the Clubhouse. Previous events had attracted an attendance of between 350-450 people and the same number of people were expected to attend this event.

Mr Martin outlined the objection by Environmental Protection and the history of complaints at this site. He explained that there had been three previous events and whilst the first two had been noisy, no complaints from the public had been received and therefore no action was taken. The third event resulted in a large number of complaints and as a result the Helpline service had called out the Duty Officer. The officer concerned that visited the location and judged the noise to be a statutory nuisance as she had been able to hear the music whilst sitting in her car with the windows up and the engine running. At the time of witnessing the noise nuisance the officer was a street away so a further noise buffer had been provided by the row of houses backing onto the site. At her request the music had been turned down but later calls to Helpline suggested that the noise levels may have been turned up again after the officer left. The officer had not returned to the site so this could not be substantiated.

Mr Martin considered that the event was too close to local residents with the closest houses being only 160 meters away. Wind direction was important in considering the impact of noise on local residents and this may have been a contributing factor in the third event at the site which resulted in a large number of complaints. Mr Martin did not consider that the sound barriers referred to by Mr Harding would be very effective and felt that they would need to be substantially larger to have any effect. Mr Harding had been given the Code of Practice for concerts following an event he held at PDQ, with a former business partner, which had resulted in considerable noise nuisance and so he should have been aware of the requirements concerning noise levels. Mr Martin did not think that Mr Harding would be able to comply with this code if he was to provide dance music on this location with houses only 160 meters away.

In his closing submission, Mr. Harding said that he knew that he was capable of holding

an event without disturbing neighbours. He intended there to be a 21:00 hours finish, and that he would like to work with Environmental Health on the day. He believed that the event could go ahead without complaints.

RESOLVED to dismiss the objection and allow the event to proceed.

#### Reasons for the Determination

On balance given that two previous events had proceeded without significant problems and following assurances given by the applicant that he would work assiduously to ensure that the event does not generate complaints, the Committee decided to dismiss the objection and allow the event to proceed.