

## **LICENSING PANEL**

**WEDNESDAY, 2 SEPTEMBER 2015**

PRESENT:- Councillors Abdul Amin, Mick Bray and Vera Tomlinson.

An apology for absence was received from Councillor John Ballman.

### **19. Appointment of Chair**

Resolved – That Councillor Mick Bray Chair this meeting of the Panel.  
(Councillor Bray took the Chair.)

### **20. Minutes**

Resolved – That the minutes of the meetings held on 23<sup>rd</sup> June and 14<sup>th</sup> July 2015 be confirmed and signed.

### **21. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **22. Application to vary the Premises Licence in respect of the Old Town Bowl, The Quarries, Old Town, Swindon**

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application to vary the Premises Licence in respect of the Old Town Bowl, The Quarries, Old Town, Swindon SN1 4EN, (b) written representations from Ms S Austen (local resident) opposing the application, (c) written representations from the applicant supporting the application for a Premises Licence, (d) oral submissions supporting the application, (e) questions from Members to the applicants and answers received, and (f) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Officer introduced the report noting:

- The application to vary the Premises Licence before Members was one of six licences operating at the venue.
- The variation sought an increase from one to four events per year at the venue.
- The variation sought to remove condition 9 of Annexe 2 of the licence (this referred to noise levels and time of operation).
- The variation of hours from a finishing time of 20:00 hours to 21:00 was not a matter for consideration at the hearing. This part of the application for a variation had been granted under delegated authority as no representations had been made opposing it.
- The only relevant representation in respect of the variation was appended at page 51 of the agenda papers pack.
- An alternative condition in respect of noise nuisance had been offered by the

applicants for consideration.

- Although noise complaints had been received in respect of events at the Old Town Bowl there were none involving events organised by the applicants at this venue.
- Noise levels were monitored and controlled by the applicants at the event last year.

The written submission opposing the application can be broadly summarised as follows:

- That the sound limit restriction at the nearest noise sensitive house should not be removed.
- Noise, at nearby properties, even with windows and doors closed can suffer unacceptable noise levels arising from events at the Old Town Bowl.

The oral submission in support of the application can be broadly summarised as follows:

- The Reggie garden event was started and remained a family event and an event for the local community.
- The event has been running for three years.
- The decibel levels attached to the Premises Licence were lower than other events held at the Old Town Bowl and the organisers felt that this restriction didn't allow them to offer the most satisfactory experience as possible to those attending.
- That when the events were held at the Arts Centre there were four per year with a decibel level of 65dB(LAeq) which had not caused problems for local residents.
- The 65dB(LAeq) level sought was in accordance with the Chartered Institute of Environmental Health Noise Council Code of Practice on Environmental Noise at Concerts.
- The organisers were keen to avoid any undue impact on local residents and had changed the design for the covering area to cover 30 metres and had lowered the sound system by 1½ metres to help avoid potential issues.
- The representation referred to film screening evenings and the organisers confirmed that these took place under a different Premises Licence and that they had no involvement with these.
- There had been no complaints received in respect of Reggie Garden Events.
- The organisers were content to leaflet local residents setting out details of events together with contact details for a responsible person. Should they receive telephone calls regarding noise levels they would deal with these on the day as the organisers didn't wish to upset local residents.

The following responses were received in respect of questions put to the organisers by Members of the Panel:

- The nearest residential property was approximately 80 metres from the stage at the Reggie Bowl.
- That originally 65dB(LAeq) had been suggested for the Premises Licence but this was removed from the application after discussions with a Council officer.

- There was not a cut out for sound if noise levels exceeded the permitted levels; this would be reduced manually via the sound mixing desk.
- Sound levels would be monitored throughout the day by the property line of the nearest residential property and assessed together with changes to atmospheric conditions.
- The applicants indicated that they would offer, as a condition, a upper noise limit of 65dB(LAeq) (measured at the property line of the nearest residential property) with an annual review undertaken on conjunction with the Council's Licensing Manager.

Resolved - That, having considered the evidence and representations before it the Panel determined that, subject to conditions set out below, the Premises Licence held by Old Town Bowl, The Quarries, Old Town Swindon held by the Reggie Bowl be amended as follows:

(1) That condition 9 of Annexe 2 of the Licence be amended to read "The control limits set at a mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed 65dB(LAeq) over a fifteen minute period between 09:00 hours and 21:00 hours."

#### Reasons

(i) The Panel having regard for the amenities of local residents determined that an upper noise limit of 65dB(LAeq) at any noise sensitive premises should prevent a breach of the prevention of public nuisance Licensing Objective.

(ii) The Panel carefully considered the representations of those who opposed the application and the written submissions of the applicant and the conditions offered by the applicant and felt that these would minimise the impact on the amenities of local residents and uphold the Licensing Objectives.

(iii) The Panel noted that the representation before it referred to Cinema Evenings at the Old Town Bowl. Whilst accepting that this representation could, in the broader sense, cover other activities at the location also had regard to the fact that there had previously been no noise complaints to the Council's Environmental Health team in respect of the applicant's or their Reggie Bowl event.

(iv) The Panel when considering the representation received was mindful that there had been no objections from the Statutory Authorities and the caselaw in respect of this scenario.

(2) That the Premises Licence held by the applicant be amended to permit up to four events per calendar year.

#### Reason

(i) The Panel noted that there were no representations opposing the grant of the additional three event days on the Premises Licence.

#### Additional Conditions

(1) That noise levels shall be monitored hourly to ensure that the Music Noise Level

shall not at any noise sensitive premises exceed 65dB(LAeq) at the nearest sensitive premises. A written record of the monitoring shall be kept for six months and shall include the name of the person undertaking the monitoring and the noise levels recorded.

Reason

- (i) To prevent breaches of the prevention of public nuisance Licensing Objective.
- (2) That a copy of the monitoring records shall be made available during and/or after the event to any authorised officer.

Reason

- (i) To prevent breaches of the prevention of public nuisance Licensing Objective and to ensure compliance with the conditions set out on the Premises Licence.
- (3) That no later than three days prior to the event the organisers shall distribute to all residential premises in the vicinity a leaflet setting out the date, time and nature of the event together with a contact telephone number of a competent person responsible for noise control. The contact telephone number shall remain active during the event.

Reason

- (i) To assist the Premises Licence Holder in ensuring the Premises Licence conditions and Licensing Objectives are upheld.

The Chair requested that officers remind both parties that they have the right of appeal to the Magistrates Court against this decision and that an application for any such appeal should be made within 21 days of the receipt of this decision notice incorporating the reasons for the Panel's decision.