

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, on **Monday, 14 August 2023 at 2:00 PM**

Members of the Sub-Committee present:

Councillor Alan Green, Councillor Colin Hedgley, Councillor Mark Jepson, Councillor Tim Wilson

Officers present:

Teresa Bailey (Senior Licensing Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Sarah Davis (Democratic Services Officer), Jodie Fisher (Licensing Officer), Alli Stone (Democratic Services Officer)

1 Election of a Chair

On the proposition of Councillor Hedgley, seconded by Councillor Wilson it was

RESOLVED

That Councillor Alan Green be elected as Chair of the Licensing Sub-Committee for the meeting.

2 Apologies for Absence

There were no apologies for absence.

3 Declarations of Interest

There were no Declarations of Interest.

4 Declarations of Lobbying and Responses to Lobbying

There were no Declarations of Lobbying.

5 **Suffolk Constabulary & Environmental Health Objections to Temporary Event Notice**

The Sub-Committee received report **ES/1625** of the Licensing Officer, relating to objections made by Suffolk Constabulary and the Council's Environmental Protection team to a Temporary Event Notice (TEN). The Licensing Officer confirmed that Suffolk Constabulary had withdrawn their objection following discussions with the premises user.

The Licensing Officer stated that a TEN had been given by Ms W for the premises known as Becks Green Farm to allow alcohol sales under the Licensing Act 2003 for an event to be held on the 1 to the 3 September 2023.

The Sub-Committee was informed that the hearing was required as valid objection notices had been received from both Suffolk Constabulary and the Council's Environmental Protection team within the required statutory period. The objection by Suffolk Constabulary had been withdrawn following discussions with the premises user.

The Sub-Committee was asked to consider the objections and either allow the notice to have effect or issue a counter notice if it considered it necessary for the promotion of the prevention of public nuisance objective, stating the reasons for its decision. The Sub-Committee was asked to state its reasons when announcing its decision.

The Licensing Officer confirmed that only individuals were allowed to apply for temporary event notices, not companies.

The Chair invited the premises user, Ms W to make her representation.

Ms W referred to a noise reduction plan which had been produced by the company overseeing the sound at the event. A similar event had been held in 2022, and the document detailed how the sound impact would be reduced for the upcoming event compared to 2022. Ms W noted that at the 2022 event noise levels had not exceeded the level stated in guidance for outdoor events, although complaints had still be received after the event.

Ms W noted that the closest premises was 1.6miles away, and at peak levels the noise at this property in 2022 had been 55db. For the upcoming event speakers had been moved so that sound was primarily directed at a woodland. To manage bleed out from the speakers hay bales would be used as additional sound absorbers. Ms W stated that they were trying to take into account issues that had been raised by the local community and to work with them to manage this event without issue.

The Chair invited questions.

Councillor Wilson asked what discussions had taken place with the police that had led to them withdrawing their representation. Ms W stated there had been some historical issues between her family and the police due to a lack of awareness of the licensing process. For this event Ms W had been speaking with the police from the start to

provide reassurance that the event would be a small friends and family event, and they had adjusted the timings of the event so that all licensable activities would finish at midnight.

Councillor Wilson asked for further detail on the arrangements for the on site bar. Ms W stated that there was no payment to enter the event, as it was friends and family only, but there would be a paid bar. A reputable company would be running the bar at the event and they had all relevant licences and paperwork in place. The bar would accept card only, so there were no issues with cash on the premises.

Regarding the sound system being used, Ms W stated this was provided by a company run by friends, and that it had been used at other events previously. They would not be at the party as attendees but to run the sound system.

Councillor Wilson referred to the noise reduction plan and welcomed the production of a plan for the event but noted that it had been produced by the same people running the event sound, and so there could be a conflict of interest. He noted that for any future events, if a plan was needed it should be produced by independent persons.

Councillor Wilson noted that when considering nuisance from sound, the only important metric was complaints from the public. There were many unpredictable factors at an outdoor event which could change sound levels, and each persons perception of noise was different. Proper event management was important, and Councillor Wilson asked who would be in charge of measuring sound levels and turning off the systems at midnight. Ms W stated that the company running the sound system would monitor noise levels through the night. At midnight the generator powering the speakers would be turned off and the key taken to the landowners house. The bar company were well aware of the requirements to finish at midnight, and had a wider reputation to maintain and so would not be pushing this. Contact numbers had been given to local residents so issues could be dealt with promptly.

Councillor Hedgley stated that eight police officers had attended the site for an event in 2022, when the number of attendees was around 80. This year the number of attendees was stated at 150, and so who would be managing this increase. Ms W stated that 150 people had been invited, but not all 150 would attend. The premises user and landowner would be taking responsibility for any issues arising at the event as they had done in the past. Ms W emphasised that the event would be for friends and family who would be respecting the venue.

Councillor Hedgley asked if the premises user would be running similar events in the future. Ms W stated she would not due to the number of problems that had been raised through the licensing process.

The Licensing Officer stated that as the notice giver, Ms W was responsible for all activity on site, and asked if Ms W was prepared for this. Ms W stated she understood this, and that as the event was a private one for friends and family she hoped disruption would be minimal. Ms W confirmed she had experience of working in a bar previously, and that she trusted the companies she had engaged to manage their areas professionally.

The Legal Advisor stated that there were properties to the west of the premises, and asked if noise disturbance to these neighbours had been considered as it had been for neighbours to the east. Ms W stated that noise primarily travelled other way due to the landscape, but the neighbours on this side had been contacted. They had not reported any issues at any previous events. It was hoped that redirecting the sound speakers would also help manage this.

The Chair invited the Environmental Protection Officer to address the Sub-Committee.

The Environmental Protection Officer stated that a similar event had been held in 2022 and complaints had been received on two nights out of hours. Although changes had been made to the orientation of the speakers and the timing of the event, complaints had been made after the scheduled finishing time of last years event, indicating the event had continued past the licensed hours. In a rural area background sound was low, and so the noise from any amplification would be comparatively higher. Factors such as cloud cover, wind speed had a great bearing on sound and could not be planned for this far in advance and so noise disturbance was still a concern.

The Chair invited questions to the Environmental Protection Officer.

Councillor Wilson asked what time complaints had been received at the previous years event and how they were managed. The Environmental Protection Officer confirmed complaints had been received at 21.07 and 03.28 on the first night of the event, and 21.10, 22.08 and 23.08 on the second night. Complaints were managed depending on noise, not the timing and there was no obligation to the events manager at the time of or after the event.

The Legal Advisor asked if Environmental Health had taken any measures on the date of previous events regarding noise. The Environmental Protection Officer stated officers had attended on these dates to witness the noise levels.

The Legal Advisor asked what distance officers had observed noise from. The Environmental Protection Officer stated they did not have accurate distances, but it was approximately one mile.

The Chair invited all parties to sum up their representation.

The Licensing Officer stated this was not an application but a notice of an event. With regards to prior complaints the police had received a complaint at 4am on the second day of a previous event when all activities were meant to be finishing earlier. Previous events were also ticketed which may have also led to conflict with the Police.

The premises user stated that previous complaints had been taken on board and that they were trying to put measurements in place this year to prevent issues occurring this year. This would be the last event held at the farm. All previous feedback had been taken on board to ensure nothing else happened this year.

The Environmental Protection Officer stated that there was still the potential for complaints this year, despite measures taken there was a lot of potential for issues to occur especially over two nights.

The Sub-Committee retired with the Legal Advisor and Democratic Services Officer to consider their decision. On their return the Chair read the following decision notice.

Decision Notice

This Sub-Committee meeting has been held as East Suffolk Council's Environmental Protection Team have raised objections to the Temporary Event Notice (TEN) given by Miss Honor Whyte. The objection notices were received within the prescribed consultation period after receipt of the TEN, as specified in the Licensing Act 2003. Another objection had been submitted by Suffolk Constabulary but this had been withdrawn as the times in the TENs had been amended. The Environmental Health objection was based upon the licensing objective of prevention of public nuisance.

The Sub-Committee heard from the Licensing Officer, who summarised the report, the notice giver and Environmental Protection.

The premises user stated that they had previously run small family events at the site, which was their family farm, and that following previous complaints and comments a more thorough plan had been drawn up to manage this event without impacting neighbours. The premises user stated that a noise reduction plan had been produced this year with the hope of keeping noise levels lower than it had been previously. The premises user stated that this year the speakers had been moved to direct sound to woodland which would dampen the noise, and sound would be measured throughout the night. The premises user stated that the bar on the site was a paid bar and would be managed by a professional company who had the appropriate paperwork and licences in place themselves.

The Environmental Protection Officer stated that a similar event had been held in 2022 and several complaints had been received. In such a rural area background sound was low and so the noise from any amplification would be comparatively higher. Factors such as cloud cover, wind speed had a great bearing on sound and could not be planned for this far in advance and so noise was still a concern.

Sub-Committee's decision

The Sub-Committee has decided not to issue a counter notice in this matter.

Reasons for Decision

In arriving at its decision, the Sub-Committee also considered the Council's own licensing guidance and statement of licensing policy, as well as the Statutory Section 182 guidance, and Human Rights Act 1998.

The Sub-Committee notes that the Police have withdrawn their objection following discussions with the premises user and an agreement that licensable activities will finish at midnight on both nights. The Sub-Committee notes the responsible bodies' concerns and takes into account paragraph 9.12 of the Statutory Guidance, which indicates that the Licensing Authority must consider all relevant representations from responsible authorities carefully as they are experts in their respective fields. The Sub-

Committee therefore places great weight on the fact that the premises user has been able to reach a compromise with the Police which has led to their objection being withdrawn.

Whilst the Sub-Committee takes into account Environmental Protections objection, the Sub-Committee is satisfied that the premises user has taken steps to mitigate against public nuisance caused by noise pollution by redirecting the speakers and other measures to dampen sound. In addition, noise levels will be monitored throughout the night.

The Sub-Committee therefore considers that it is not appropriate for the promotion of licensing objectives to issue a counter notice in this instance.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision and at least five working days before the date of the event.

Date: 14 August 2023

The meeting concluded at 3:49 PM

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Chair