

RUNNYMEDE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

HEARING DECISION NOTICE

Premises : The Brook Memorial Hall, Brox Road, Ottershaw, Surrey  
Hearing Date : 23 November 2006  
Licensing Sub-Committee : Councillors Mrs P I Broadhead (Chairman), Mrs J Norman and B Relph

This was an application made by Robert Coomber and Shirley Bushell of 2 Murray Road, Ottershaw, and Mr and Mrs J Smith of 4 Murray Road, Ottershaw, Surrey, for a review of the Premises Licence held in respect of The Brook Memorial Hall, Brox Road, Ottershaw, Surrey, under Section 51 of the Licensing Act 2003.

The premises is a Community Hall licensed for the provision of regulated entertainment but not the supply of alcohol or late night refreshment. The opening hours of the premises are Monday to Sunday start 0800 hours to finish 0000 hours. There are no seasonal variations or non-standard timings.

The Premises Licence is held in the name of The Vicar and Wardens of Christ Church, Christchurch, Guildford Road, Ottershaw, Surrey.

Mr Coomber and Mr West attended the hearing as did Eric Cowell for the premises licence holder, Peter Williams, Jeanette West and Pam Rush who each spoke on behalf of the premise licence holder.

The Licensing Sub-Committee heard from Derek Seekings, the Licensing Authority's proper officer, who introduced the report of the proper officer and set out the history to the application and the nature of the complaint.

A relevant representation was received from the Police and PC Meadhurst also attended.

The Licensing Sub-Committee heard from both Mr Coomber and Mr Smith and gave consideration to a list of events which both said had caused them a nuisance and detracted from the amenity of their home. The nuisance was from loud music emanating from The Brook Hall and from people congregating around the entrance. The nuisance complained of was bottles and glasses being left on or about their property and the noise associated with the comings and goings of people to the hall and in particular on one occasion when the Police were called to deal with numbers of potential gatecrashers. The nuisance was not simply related to the use of the hall for young people but an incident of a 60th birthday was retold at which the noise from amplified music was particularly intrusive and the event was late in finishing.

Mr Cowell supported by Mr Williams, Mrs West and Mrs Rush explained the background to the use of the hall and conceded that controlling the escape of noise was difficult because of the age and construction of the building. Nonetheless, the Sub-Committee was told that the letting of the hall for the purposes of young persons and teenage discos was now not permitted and the hiring conditions imposed generally made plain that hirers should respect neighbours of the hall and keep noise and nuisance under control. The hiring conditions further make plain that the hirers are responsible for nuisance.

There was a general discussion as to what measures could be taken to control the escape of noise and Mr Coomber and Mr Smith considered that the fitting of noise limitation equipment might well be sufficient. The proper officer expressed some doubt that this would be the case and made plain that noise amplification controls were always subject to meddling by users of the hall and settings could not be guaranteed.

The Sub-Committee was satisfied that the applicants were suffering nuisance on account of the activities at the hall and noted that on occasion noise nuisance had emanated from a demonstration of African drums. It was noted that this was not amplified music but nonetheless had the potential for nuisance. In discussion Members took from Mr Coomber and Mr Smith that they did not have

objection in principle to the use of the hall for such events and their complaints were primarily directed at amplified music and nuisance suffered by them on account of the coming and going of hirers and their guests to the hall and the leaving of litter and other rubbish in or about the hall and on their properties.

The Licensing Sub-Committee recognised that the hall provided a valuable community function as did the applicants. Mr Cowell explained that the hall needed to break even and that refusing hiring for young persons and teenage discos had already led to some loss of revenue. Mr Williams explained that a Trust was being formed and it was hoped that the hall would be leased to the Trust with potential for the Trust to raise money to renovate the hall in such a way as to reduce the potential for nuisance and to ensure the better use of it. However, it was acknowledged that this was some distance away yet. Mrs West for her part explained that she does attend as best she can but it was recognised that she is only employed for five hours per week and her attendance throughout events or hirings of the hall could not be relied on if indeed it was proper that she should be expected to control the activities of hirers in all situations. Members acknowledged the concerns of the applicants that on occasions when they had sought to complain about noise nuisance they had not been able to get hold of Mrs West.

Member of the Licensing Sub-Committee had regard to the conditions of hire, in particular that the hall should not be let on Sundays for what were public music, signing, dancing or stage play licences and are now regulated entertainments and that there be no parties or discos after 6pm Monday to Thursday other than are sanctioned by the Hall Trustees. Other conditions seem properly to meet the concerns of the applicants but the issue is one of control and enforcement of the conditions.

The Licensing Sub-Committee having considered the application and the representations of Mr Coomber and Mr Smith, and having heard from the proper officer, PC Meadhurst, Mr Cowell, Mr Williams, Mrs West and Mrs Rush were all satisfied that the applicants were suffering a noise nuisance but were also concerned to ensure the viability and continued use for community purposes of the hall.

The Licensing Sub-Committee was not satisfied that the imposition of a condition requiring the use of noise limiters would of itself satisfy the concerns of the applicants.

The Members were of the view that what was required was active monitoring of such events by a person independent of the hirer and with sufficient authority to ensure that sound levels were maintained at such a level as not to cause a nuisance to the applicants. The cost of such supervision could be charged to the hirers. To that end the decision of the Licensing Sub-Committee of the application for review was that the conditions of the licence should be modified as follows:

- 1) That in the event of a hiring for the purposes of music provided by live bands and/or discos the premises licence holder to ensure that a person independent of the hirer be present throughout the hiring and to ensure that the levels of sound emitted from the hall were not such as to be a nuisance to the applicants.
- 2) The applicants to be given a list of functions involving live music and/or discos in advance of the event and in any event not less than 14 days before the hiring.
- 3) All doors and windows to be kept closed during the performance of music and such other regulated entertainment with the potential to cause a noise nuisance.
- 4) The performance of live music and discos to be restricted to finish no later than 11.30 p.m.
- 5) There be no live music or discos after 6pm Monday to Thursday and Sundays.

#### APPEAL

If the applicant, the licensee or any person who has made a relevant representation wishes to appeal against the decision an appeal must be made to the North West Surrey Magistrates Court at Woking within 21 days of the receipt of this notice.

Dated :