

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
21 May 2014 (10.00 - 10.15 am)**

Present:

COUNCILLORS

Conservative Group Pam Light

Labour Group Denis Breading

UKIP Group Peter Gardner (Chairman)

Present at the hearing was Mr Marc Gasson, Havering Noise Specialist Officer.

Also present were the Legal Advisor to the Sub-Committee and the clerk to the Licensing sub-committee.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

No interest was declared at this meeting.

1 APPLICATION FOR A TEMPORARY EVENT NOTICES

PREMISES

Upminster Windmill Field
St Mary's Lane,
Upminster
RM14 2QL

APPLICANT

Mr Ben Tillson
5 Melstock Avenue
Upminster
Essex
RM14 3UP

Details of Application

The location for this Temporary Event Notice (TEN) was an open air field adjacent to Upminster Windmill St Mary's Lane Upminster.

The field is approximately 90 metres by 58 metres with the nearest residential property being 35 metres from the edge of the field.

The field was situated 320 metres west of Station Road Upminster which was the main crossroad in Upminster Town Centre.

The field had residential houses, flats and bungalows to the north, east and west sides with a school on the opposite side of St Mary's Lane to the south.

This TEN was an outdoor cinema event to permit the Sale of Alcohol by retail and the provision of Regulated Entertainment, on 21 June 2014 between the hours of 19.00 and 23.30 hours.

Grounds of Objection

There was one objection notice made against the TENs application from a responsible authority, namely Havering's Noise Specialist, Mr Marc Gasson.

Mr Gasson submitted an objection notice on behalf of Havering's Environmental Health Service based upon his concerns in relation to the prevention of public nuisance licensing objective.

Mr Gasson's objection notice outlined his concerns in relation to the potential for noise disturbance to nearby residents based on the last two previous events that took place at this site.

Details of Representations

Public Health: - Mr Gasson, the Havering Noise Specialist officer appeared and reiterated his written representation to the application. He stated that:

1. Two events were held at the venue last year and this Service had received a number of complaints from nearby residents on both occasions due to the noise not only from the film but the music played prior to the film commencing.
2. Although the event organisers sought advice from officers and implemented the recommendations given following the first event, noise complaints were still received from residents with respect to the second event last year.
3. As the event was held in an open park environment there were no natural features to contain the noise from the speaker systems used and the instruments played.
4. In addition the park was surrounded on three sides by residential properties which were in close proximity to the noise sources. As such there was insufficient distance between noise source and the residential premises to provide a significant reduction in noise.

Applicant's response.

The applicant (Mr Tillson) in his written representation to the sub-committee responded to the points made by Mr Gasson.

He stated that due to prior commitments he was out of the country during the time of this hearing and with much regret unable to attend in person.

Mr Tillson stated that he would like to make it clear to all interested parties that he had been a resident of Upminster for over 7 years and that his family was second generation Upminster residents. That he was making this application on behalf of the local community and as a local resident.

Last year he set about hosting two Outdoor Cinema events in Upminster following an approach to the Friends of the Upminster Windmill and obtaining approval from the Licensing authority for the two evenings, which was a success.

The sub-committee was informed that each screening attracted a whole range of local residents from different ages and backgrounds. The events received extremely positive and encouraging feedback from all those who attended, local residents, the council and the local police. People were excited at the prospect of something new and exciting happening in Upminster. Before the film screening on the 31 August, a local band entertained and the film played was James Bond. For the second screening on the 21 September, there was no live music and the film screened was The Great Gatsby.

Mr Tillson stated that he did not receive any complaints from residents during either screening. He also confirmed that neither did his team member or the Metropolitan Police who were on site for the duration of both events.

However, during the following week of the first event (31 August), he discussed with the Havering Parks team a complaint made by a local resident. It was agreed that a Noise Officer would attend the second event to measure any noise pollution.

During the evening of 21 September he met with a Havering Noise Officer and provided assistance wherever possible. The volume control of the film was discussed, and this was limited to level that satisfied the officer before he left.

The written representation also responded to the objection submitted by Marc Gasson, that the organisers would like to show a flexibility and willingness to get this right and to ensure that residents are kept happy with the level of noise for our upcoming screening. A full event management plan was in place and importantly a professional sound engineer would be on site to control the volume of the sound during the night. With this in mind should anybody feel the volume was beyond acceptable levels this would be addressed immediately. The organisers would also carry out sound checks during setup ahead of the screening and would happily arrange for noise

levels to be measured at this time, as well as throughout the course of the evening.

Mr Tillson mentioned that community support was important to his organisation and they want to keep residents informed. They plan to make contact with local residents as was done last year giving them the opportunity to discuss any concerns they may have. He added that he received one phone call last year and that his contact details made available to all residents in advance.

Mr Tillson also stated that he appreciated that some immediate residents of the Windmill Field may be impacted by these two evenings, however he only had evidence of a complaint from one resident following both of last years screenings. He requested that the sub-committee not reject his application and grant the permission to hold these two events. He was asking for two nights out of the whole year and for the noise team to work with him and the Windmill Field's neighbours to ensure that they benefited as much as the rest of the community who attend these nights.

In conclusion, Mr Tillson stated that he would like to host outdoor cinema events that benefited the local community and by working with our friends at the Upminster Windmill, help contribute to the restoration of this great landmark. He was more than happy to reduce noise levels to an acceptable level by working with Havering Council. He also was sympathetic to the complaints from local residents but felt that if his application was rejected it would be a disservice to the local community, many of whom attended last years screening and are keen to enjoy similar evenings in 2014.

Determination of Application

Consequent upon the hearing held on 21 May 2014, the Sub-Committee's decision regarding the application for a Temporary Event Notice for Upminster Windmill Field is as set out below, for the reasons stated:

The Sub-Committee was obliged to determine these applications with a view to promoting the licensing objectives.

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts Whether the granting of the Temporary Event Notices would undermine any of the four licensing objectives.

- **Prevention of Public Nuisance**

That the Noise Specialist's representation outlined his concerns in relation to the potential for noise disturbance to nearby residents based on the two previous events that took place at this site.

The sub-committee noted that the park was surrounded on three sides by residential properties which were in close proximity to the noise sources. As such there was insufficient distance between noise source and the residential premises to provide a significant reduction in noise.

The sub-committee noted from Mr Gasson's submission that four residents complained on the first event and three residents on the second event, it being the same complainants on each occasion.

The sub-committee noted that Mr Gasson was happy to work with the organisers in order to minimise the potential of noise leading to complaint.

Decision

Having considered the oral and written submissions of the Noise Specialist in relation to the application, the Committee decided to **grant** the application for the following reasons:

- Having regards to the light touch placed on TENs application and that the reason for this application and subsequent hearing was related to potential noise nuisance at an open field event for one Saturday evening, finishing at 11:30pm, the Sub-Committee were satisfied that the event would not undermine the licensing objectives.
- The Sub-Committee was satisfied that the Noise Specialist was happy to work with the organisers in order to minimise noise at the event.
- They also noted that the organisers would be advised to make an announcement to the public to disperse quietly to noise nuisance in the area.

Chairman