

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE held at  
Surrey Heath House, Camberley on 30  
May 2013**

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+ Cllr Vivienne Chapman  
+ Cllr David Hamilton

+ Cllr Ian Sams

+ Present

In attendance: Cllr Lexie Kemp (as substitute)

Legal Adviser to the Sub-  
Committee

Mrs Laura James (Legal Representative for Surrey  
Heath Borough Council as Licensing Authority)

Democratic Services Officer

Mr Andrew Crawford

Surrey Heath Borough Council  
as Licensing Authority

Mr Derek Seekings (Licensing Officer)

Applicant – Collectively  
Camberley

Ms Lucy Boazman – Operations and Marketing  
Manager, Collectively Camberley Ltd.,  
Mr Steve Coburn, Collectively Camberley Ltd.,  
Mr Mark Parker – Board Member, Collectively  
Camberley Ltd.

Responsible Authorities

Mrs Justine Fuller – Principal Environmental Health  
Officer, Surrey Heath Borough Council

### **01/LS Election of Chairman**

**RESOLVED, that Councillor Ian Sams be elected as Chairman for the  
meeting.**

### **PART I (public)**

### **02/LS Collectively Camberley – Various Roads in Camberley Town Centre.**

The Sub-Committee considered a new application from Collectively Camberley Ltd., for a new Premises Licence relating to a number of roads in Camberley Town Centre.

The Licensing Officer presented his report to the Sub-Committee and notified Members of the parties who had the right to speak at the meeting. He referred Members to the Licensing Objectives, noted that relevant objections had been submitted and explained that the roads, for which the application was submitted, were as follows:

‘Park Street from the junction with London Road to its junction with Pembroke Broadway, Princess Way to Mall Doors West; Princess Way, from Mall Doors East to its junction with High Street; Pembroke Broadway to the High Street from its junction with Park Street to its junction with London Road; Obelisk Way from its junction with

High Street to Mall Doors East London Road, (South side service road) from its junction with High Street to its junction with Park Street.'

Mr Seekings noted a typographical error in that the last sub-paragraph of paragraph 2.1 should be amended to:

*'The application is for the provision of regulated entertainment only, and therefore does not include reference to the sale or supply of alcohol or the provision of late night refreshment.'*

The Licensing Officer reported that, subsequent to the issue of the agenda, further correspondence had been received from Lucy Boazman on behalf of Collectively Camberley and by Mr Jeffrey Lee, expanding on his previously submitted objections. He also clarified that, following discussions with the applicant, the use of London Road would be limited to the service road along the south side of London Road. Events envisaged to include this road would involve marching bands, likely to move in a loop.

The Sub-Committee took time to read the submissions.

Mrs Boazman explained that Collectively Camberley Ltd was an independent not for profit company, established through the BID process and funded by local businesses, to manage the Town Centre, promote its interests and introduce improvements, so that the Town Centre would be a destination of choice for shoppers and visitors.

The Company was seeking a premises licence to cover a number of licensable events in the designated roads, thus avoiding the need to submit Temporary Event Notices (TEN). Because the Farmers' Markets, which were held monthly, included a stall selling alcohol, a TEN was required for each, which limited the number of other family friendly events that could be planned.

There were four proposed events for 2013, in July, August, September and at the end of November relating to the switch on of the Christmas lights in the town centre.

The July event would involve activities run by the Army and the Arena Leisure Centre and the August event, proposed for 31<sup>st</sup>, would be a classic car show in the High Street and Park Street with live music, including a roaming jazz band. The band would move on every 20 minutes. There would be events for children such as face painting. The event was proposed between 10 am and 2pm.

The November event, to celebrate the switching on of the Christmas lights, would have a static band and would take place in the High Street. This event had been held in the previous year.

Ms Boazman suggested that there would be no more than 8 to 12 events each year as a lack of funding would preclude further events. The revisions tabled at the meeting, in relation to promoting the licensing objectives, included a safety plan which would be event specific and made available at least 4 weeks before each event. The applicant would also give more notice of planned events and detail of how events would be marshalled. It was also explained that the hours for regulated entertainment in the application included time needed for setting up and clearing away.

Representations were made by Mrs Fuller for the Environmental Health department. She stated that there had been some useful dialogue between her and the applicant since her representation was made in respect of public nuisance and public safety. In particular, she said the application had not included sufficient information or measures to address noise nuisance in a mixed use area which was noise sensitive, because of the close proximity of residents and businesses.

Mrs Fuller's concerns also related to the enforceability of conditions based upon the proposals of the applicant. She suggested that a sound limiter would not assist, for example, with a roaming band. She therefore would expect to see an event specific plan that would include noise patrols and regular monitoring by the applicant.

In relation to public safety, Mrs Fuller advocated some event planning to deal with a risk assessment of pinch points, on a case by case basis, dealing with adverse weather, lighting for winter events and safe dispersal.

Mrs Fuller also added that there had been no formal nuisance complaints following last year's Christmas lights event. She expressed confidence in the applicant's ability to manage the events they had planned properly and was happy to give further advice if required, but in her view the onus was on the applicant to produce a comprehensive event plan. In the event that such a plan was made a requirement, Mrs Fuller indicated that the submission of such a plan for approval 4 weeks before an event would be sufficient.

The Licensing Officer provided some background information to the sub-committee concerning the reasons for the application, which included that a Temporary Events Notice procedure could no longer be used after mid- year, because of the limitations of such a licence and the size of events it related to. It was made clear, for the record, of the involvement of Surrey Heath Borough Council in working with Collectively Camberley and partner organisations in the promotion of the town centre.

The objection by Mr Lee and his subsequent correspondence was considered, but the Sub-Committee was unable to question his submission as he did not attend the meeting.

In response to questions from the Sub-Committee, Mrs Boazman and Mr Parker gave the following assurances:

- (i) Collectively Camberley would ensure that noise would not be excessive. Management members would be visible and a phone number would be made available to address any concerns/complaints during events.
- (ii) Stewards would be trained and would wear high visibility vests for easy recognition. Where necessary they would have radio communications.
- (iii) Films would be family orientated and events would not be alcohol drive.
- (iv) It was expected that most events would end by 2.00 p.m. as this was when visitors seeking entertainment would reduce significantly. The additional time would be for taking down any equipment.
- (v) In terms of noise monitoring, Collectively Camberley would monitor noise after 30 minutes from an event commencing and at least hourly thereafter. A nominated individual would be responsible for this for each event.

The Chairman invited participants to sum up. Ms Boazman summed up briefly on behalf of Collectively Camberley and Mrs Fuller indicated that she did not wish to comment further.

After being addressed by the applicants and, Responsible Authority, the Sub-Committee retired to consider its decision and was accompanied by Mrs James who gave Members legal advice.

Upon return, the Chairman noted that it had been explained to all parties present, by the legal advisor, that the Licensing Act encouraged the Sub-Committee to view its powers and responsibilities in the light of the community as a whole. The regime under the Act had a light touch approach to regulation and the Sub-Committee carried out functions with a view to promoting the licensing objectives and having regard to the statutory guidance and to the statement of licensing policy.

He stated that, if the sub-committee was minded to attach any conditions to a proposed Licence, these must be appropriate to promote one or more of the licensing objectives. They must be proportionate in that they are tailored to the activities taking place, the size, location, type and characteristics of the business and do not repeat those which duplicate other statutory provisions.

The Sub-Committee had noted and considered carefully the concerns of Mr Lee and those of the Environmental Health department relating to public nuisance and public safety.

The Sub-Committee considered the licensing objectives to be engaged in the following order:

**Public safety;**

Regard was given to the representations of Mrs Fuller and she had been asked what steps could be taken by the applicant to allay her concerns. It seemed to the Sub-Committee that there was confidence in the applicant's expertise to overcome these by means of producing an event specific plan with a risk assessment of the elements of the plan and the nature of these was discussed by Mrs Fuller, such as addressing safe dispersal of crowds, particularly in darkness.

**Prevention of public nuisance;**

It was noted that there had been no formal complaints to the Environmental Health department over the previous year's Christmas lights event. Local residents had not made representations to this application. Mrs Fuller had suggested that it would be possible for the applicants to monitor noise by patrolling specific areas where businesses and residents were likely to be affected by the event in question. The applicant also intended to keep a log in this regard and to provide a phone number to the public to report any incidences of perceived noise nuisance. It was also apparent that good event planning and execution of the plan would minimise the risk of nuisance.

The Sub-Committee considered that a balance must be struck between the interests of residents and businesses and the applicant in this case. Having listened to Ms Boazman and Mrs Fuller, Members were satisfied that it would be possible that all reasonable precautions would be taken by the applicant to deal with issues of public safety and nuisance.

The Sub-Committee had regard as to whether conditions were appropriate in accordance with the guidance and the licensing policy and note those offered by the applicants in their operating schedule, as well as those suggested by Mr Lee and Mrs Fuller's comments on enforceability.

The Sub-Committee therefore agreed to grant the Licence as requested with the omission of the north side of the London Road as referred to in this decision, subject to conditions indicated in the resolution, below.

**RESOLVED that the Premised Licence for Collectively Camberley be granted for the roads listed and subject to the conditions attached in the Decision Notice at Annex A.**

#### **CHAIRMAN**

Note 1: The hearing commenced at 10.00. The Sub-Committee retired at 11.30 to reconvene at 12.50 to give its decision. The hearing concluded at 13.10.

**LICENSING SUB COMMITTEE – 30<sup>th</sup> MAY, 2013****DECISION NOTICE****The Application**

This is an application by Collectively Camberley Ltd for a new premises licence to cover various roads, walkways and pavements around the town centre of Camberley, Surrey. Representations were received from “any other persons”, namely a member of the public operating a business in the town centre and a responsible authority comprising Environmental Health.

At the hearing of the application in attendance were:

Mr Derek Seekings (Licensing Officer)  
Ms Lucy Boazman (for Applicant)  
Mr Mark Parker (For Applicant)  
Mr Steve Coburn (For Applicant)  
Mrs Justine Fuller, Principal Environmental Health Officer (for Environmental Health)

**Evidence before the Sub-Committee****Preliminary matters**

- a. An email dated 23 May 2103 from Ms Boazman had been sent to a Council inbox but had not been received by the Licensing Officer prior to the morning of the hearing. In that event, the legal advisor read the contents and asked the Environmental Health department’s responsible authority’s representative, Mrs Fuller present at the hearing if she had any objection to that being relied upon by the applicant. She did not. The email was therefore given to the sub-committee members to read in accordance with regulation 18 of the Hearings Regulations 2005. The email provided further information as to how the applicant would seek to promote the licensing objectives.
- b. A further representation had been received before the hearing from Mr Lee by his letter dated 29<sup>th</sup> May, which was prompted by the Licensing Officer’s email of 23 May inviting him to comment further on his representation given that he did not wish to attend the hearing and to suggest any conditions which if the application was granted, might overcome his concerns regarding the application. The applicant and Mrs Fuller had received a copy of this before the hearing.
- c. Ms Boazman was invited to provide some detail concerning the company and its objectives. She explained it was a not for profit company and managed the Camberley Bid, which was funded by local businesses. The company wanted to promote Camberley town centre and sought to encourage greater numbers of family visitors. To do so, it was promoting family friendly events in the town centre throughout the year some in conjunction with leisure centres.
- d. Ms Boazman was pressed by the legal advisor to provide details of the types of events it proposed holding and the locations of such events, bearing in mind the area outlined in the application covered four main roads around the town centre. There are four proposed events for this year, in July, August, September and at the end of November relating to the switch on of the Christmas lights in the town centre. The

August event proposed on 31st is a classic car show in the High Street and Park Street with live music, including a roaming jazz band. The band would move on every 20 minutes. There would be events for children such as face painting. The event was proposed between 10 am and 2pm. Ms Boazman thought there would be no more than 8 to 12 events each year as a lack of funding prevented any more.

- e. The November event would have a static band and take place in the High Street. This event took place last year.
- f. The Licensing Officer clarified that following discussions with the applicant, the use of London Road would be limited to the service road along the south side of London Road. Ms Boazman explained events envisaged to include this road would involve marching bands, likely to move in a loop.
- g. Ms Boazman also advised that revisions made in relation to promoting the licensing objectives included a safety plan which would be event specific and made available at least 4 weeks before each event. The applicant would also give more notice of planned events and detail how events would be marshalled. It was also explained that the hours for regulated entertainment in the application included time needed for setting up and clearing away.
- h. Representations were made by Mrs Fuller for the Environmental Health department. She said that there had been some useful dialogue between herself and the applicant since her representation was made in respect of public nuisance and public safety. In particular, she said the application did not include sufficient information or measures to address noise nuisance in a mixed use area which was noise sensitive, because of the close proximity of residents and businesses. Her concerns also related to the enforceability of conditions based upon the proposals of the applicant. She said a sound limiter would not assist for example with a roaming band. She was therefore keen to see an event specific plan that would include noise patrols and regular monitoring by the applicant.
- i. In relation to public safety, she advocated some event planning to deal with a risk assessment of pinch points on a case by case basis, dealing with adverse weather, lighting for winter events and safe dispersal.
- j. Mrs Fuller also added that there had been no formal nuisance complaints following last year's Christmas lights event. She expressed confidence in the applicant's ability to manage the events they had planned properly and was happy to give further advice if required, but in her view the onus was on the applicant to produce a comprehensive event plan. If this was a requirement, she indicated that if a plan was provided 4 weeks before an event for approval, this would be sufficient.
- k. The Licensing Officer provided some background information to the sub-committee concerning the reasons for the application, which included that a Temporary Events Notice procedure had could no longer be used after mid- year, because of the limitations of such licence and the size of events it related to. It was made clear for the record the involvement of Surrey Heath Borough Council in working with Collectively Camberley and partner organisations in the promotion of the town centre.
- l. Both parties were invited to summarise the issues they had advanced. Ms Boazman stressed that the events planned were family orientated with the aim to increase the town centre profile. They did not involve the sale of alcohol and that the applicant planned to work with responsible authorities for a positive outcome.

m. Mrs Fuller had no further comments.

### **The Decision**

It was explained to the parties by the legal advisor that the Licensing Act encourages us to view our powers and responsibilities in the light of the community as a whole. The regime under the Act has a light touch approach to regulation and we carry out functions with a view to promoting the licensing objectives and having regard to the statutory guidance and to the statement of licensing policy.

If the sub-committee is minded to attach any conditions to a proposed Licence, these must be appropriate to promote one or more of the licensing objectives. They must be proportionate in that they are tailored to the activities taking place, the size, location, type and characteristics of the business and do not repeat those which duplicate other statutory provisions.

We have noted and considered carefully the concerns of Mr Lee and those of the Environmental Health department relating to public nuisance and public safety.

We will consider the licensing objectives engaged in the following order:

#### **Public safety;**

We have had regard to the representations of Mrs Fuller and she has been asked what steps can be taken by the applicant to allay her concerns. It seemed to us that there was confidence in the applicant's expertise to overcome these by means of producing an event specific plan with a risk assessment of the elements of the plan and the nature of these was discussed by Mrs Fuller, such as addressing safe dispersal of crowds, particularly in darkness.

#### **Prevention of public nuisance;**

It was noted that there had been no formal complaints to the Environmental Health department over last year's Christmas lights event. Local residents had not made representations to this application. Mrs Fuller had suggested that it would be possible for the applicants to monitor noise by patrolling specific areas where businesses and residents were likely to be affected by the event in question. The applicant also intends to keep a log in this regard and provide a phone number to the public to report any incidences of perceived noise nuisance. It also was apparent that good event planning and execution of the plan would minimise the risk of nuisance.

We consider that a balance must be struck between the interests of residents and businesses and the applicant in this case. Having listened to Ms Boazman and Mrs Fuller we are satisfied that it would be possible that all reasonable precautions be taken by the applicant to deal with issues of public safety and nuisance.

We therefore grant the Licence as requested with the omission of the north side of the London Road as referred to in this decision, subject to conditions:

### **Conditions**

We have had regard as to whether conditions are appropriate in accordance with the guidance and the licensing policy and note those offered by the applicants in their operating schedule as well as those suggested by Mr Lee and Mrs Fuller's comments on



enforceability. In summary we find it is appropriate that the following conditions be imposed on the Licence which we believe are readily enforceable, as follows;

1. There shall be no more than five days' licensable events for the period ending 31/12/13.
2. There shall be no more than 12 days' licensable events for each calendar year commencing from 01/01/14.
3. There shall be no regulated entertainment commencing before 10am on any day. On Sundays, public and bank holidays, regulated entertainment shall cease at 6pm.
4. The Applicant shall with prior consultation with the Environmental Health department and not less than ten working days prior to each event, provide written notice of the event, to all premises likely to be affected by each event.
5. The Applicant shall produce and implement for each event a management event plan to minimise disturbance caused by events and the playing of music and to address public safety, in accordance with the reasonable requirements of the Environmental Health department. Such plan shall be provided to the Environmental Health department at least four weeks before the date of each event. In the absence of such document or if it is unsatisfactory to the Environmental Health department, the Environmental Health department may, not later than ten days' prior to each event, notify the Applicant in writing the event may not proceed without their consent.

**Informative:** The sub-committee would expect the headlines of each management plan to cover all aspects of the event, for the purposes of illustration matters such as:

- Measures relating to noise and light pollution
- Reducing the risk of smells and littering
- Emergency planning
- Access and egress
- Barrier control
- Marshalling
- Safe crowd dispersal procedures
- A named person contactable for each event