

**LICENSING SUB-COMMITTEE****27 February 2007**Attendance:

Councillors:

Mather (Chairman) (P)

Howell (P)

Wagner (P)

Others in attendance who did not address the meeting:

Councillor Berry

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**1. MARRIOTT MEON VALLEY HOTEL AND COUNTRY CLUB, SANDY LANE, SHEDFIELD**

(Report LR209 refers)

The Sub-Committee met to consider an application by Marriott Hotels Limited for a new premises licence to cover the existing buildings at the Marriott Meon Valley Hotel and Country Club, plus an adjacent marquee. The variation was applied for under Section 34 of the Licensing Act 2003, to increase the hours for the sale of alcohol to non-residents and to increase the hours for regulated entertainment and late night refreshment.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr George McMenemy (Designated Premises Supervisor), Mr Karl Davies (legal advisor) and Dr Nigel Cogger (Independent Acoustic Consultant) on behalf of Marriott Hotels Limited. Mr Reeves, Mrs Norris-Reeves and Mrs Phillimore attended as Interested Parties. Mrs Sue Blazdell (Environmental Protection Team Manager), Mrs A Toms (Environmental Health Officer), Mr Alan Jenvy and Mr Geoff Vaine (Hampshire Fire and Rescue Service) were also in attendance, representing the Responsible Authorities.

The Licensing and Registration Manager presented the application to the Sub-Committee as set out in the report. He explained that the hearing had been postponed at the request of the applicant, in order to complete an acoustic survey, as required by the Director of Communities. Representations had been received from three households in the vicinity of the Premises, all mainly concerned with the issue of noise nuisance from the marquee. He continued that complaints had been received from local residents and that noise monitoring had been carried out, resulting in a Noise Abatement Notice being served on the hotel. He added that although the report stated that the premises (main building) may be used for the sale of alcohol to 0020 hours, this should read 0200 hours.

Mr Davies then presented the application. He explained, with the assistance of Mr McMenemy, that the marquee had been erected to test the market for larger functions at the hotel, as the business needed to grow. The level of noise emanating from functions held in the marquee had not been assessed at the outset, but it was now acknowledged that such functions did create a noise issue. Mr McMenemy stated

that there had always been a good relationship between the hotel and its neighbours and that he was keen to ensure this continued.

Mr Davies continued that an original acoustic survey had been carried out, but that the Director of Communities had not been satisfied with the final report. As a result, Dr Cogger had been contracted in to prepare a second report. Mr Davies added that the hotel was willing to invest in any recommendations made by the Responsible Authorities or Dr Cogger.

Dr Cogger explained that he was an independent consultant and therefore had a duty to inform the Sub-Committee of the facts. A copy of his report had been circulated prior to the meeting, recommending several improvements that could be made to the premises to address the noise issues. These recommendations included installing a noise limiter in the marquee and soundproofing the structure, as far as was reasonably practicable. Discussions with the marquee's manufacturers had taken place to gain an understanding of how this could be achieved.

Dr Cogger continued that, in his opinion, any noise limit condition should be by reference to a point within the marquee itself, rather than at the boundary to the premises. This would make the levels easier to monitor and ensure that noise would not go above a level that would be considered a noise nuisance to local residents.

In response to Members' questions, Mr McMenemy reiterated that the marquee had been used to test the market for larger functions at the hotel and that the plan was to build a permanent extension at a later date. He explained that a business case had to be put forward to Marriott Hotels Limited, to prove that additional income could be generated. He added that the temporary planning permission for the marquee ended in 2008.

Dr Cogger also responded to questions, confirming that his measurements had been taken during a dinner/dance function, which included a live band and speeches, and that the noise was not in excess of what he considered a 'normal' level for this type of event. However, he agreed that the noise levels experienced by the local residents could be an issue and that steps should be taken to address this.

Responding to further questions, Mr McMenemy stated that the main entrance to the marquee was through the hotel itself and that the lobby doors were normally kept shut at all times, apart from access and egress. Emergency exits were located along the sides of the marquee and Dr Cogger added that the majority of the noise was escaping through the roof as, compared to a permanent structure, the marquee had a low level of sound absorption.

The Director of Communities then made representations against the application. The hotel had been advised in the summer of 2006 that an acoustic survey would need to be obtained and, following this, the original licensing application had been withdrawn. He continued that complaints had been received from three properties in the local area. Monitoring of sound levels had taken place and, as a result, a Noise Abatement Notice had been served on the hotel in February 2007.

Responding to questions, the Director of Communities noted that the hotel was working in partnership with the Responsible Authorities towards achieving an agreed solution, but that he remained unconvinced at the present time that the existing structure could be upgraded substantially enough to satisfy these authorities. It was also reported that the noise generated by heating and air conditioning units should not be audible at the boundary to the premises and that, when measured, it was not considered they caused a significant impact to the current overall noise levels.

Mr Jenvy of Hampshire Fire and Rescue spoke about the application. He reported that following a visit to the premises, the hotel had been advised of concerns over public safety and how to overcome this. However, when the application was submitted, there was not enough information included to show that any consideration or measures had been put in place to address these issues. He continued that a separate risk assessment would be needed for the marquee and added that another emergency exit would be needed, if the marquee reached the full capacity of 250 persons. Emergency lighting, electronic fire alarms system, fire fighting equipment and adequate fire-resistant separation provided between the kitchen and public areas would need to be introduced to satisfy the public safety licensing objective. Mr Jenvy concluded that staff training and proper levels of stewarding would also be required and that he had received an email from the hotel's solicitors, stating that all required information would be submitted to Hampshire Fire and Rescue within two weeks.

Responding to Members' questions, Mr Jenvy confirmed that any soundproofing materials for the marquee would have to be Class 0 spread of flame retardant. Portable Appliance Testing (PAT) should also be carried out on all electrical appliances. He added that there needed to be an emergency procedure put in place for the marquee.

Mr Reeves and Mrs Norris-Reeves, as Interested Parties, then spoke against the application. They reported that when the original application for the marquee had been submitted, their understanding was that it was for a conference centre. They voiced concerns over the late night supply of alcohol to non-residents and that the base noise from music reverberated through their property. Mrs Norris-Reeves continued that people talking over the PA system could be heard within their house and that this level of noise disturbance was unacceptable. Meetings had been held with the management of the hotel when the problems first started, but that the situation was not addressed satisfactorily.

In response to questions, Mr Reeves and Mrs Norris-Reeves confirmed that before the marquee was erected, there had been the odd noise disturbance from the hotel but nothing severe. This was acceptable, as it only occurred a few times a year. Since the marquee had been in use, they had kept a log of all disturbances which had been submitted to the council.

Mrs Phillimore then spoke, representing her husband (who had made representation against the application). She explained that they had lived at their property for 22 years and never had any issues with the hotel before the marquee was brought into use. The noise emanating from the marquee could be heard over their television and radio and that they were regularly kept awake past midnight during events. Mrs Phillimore voiced dissatisfaction at the manner in which complaints to the hotel had been handled and added that they were concerned over what the disturbance would be like during the summer months, when windows would be open.

In response to the comments made by the Interested Parties and Responsible Authorities, Mr Davies concluded that he agreed it was unacceptable for residents to be disturbed in this way and that the Marriott was keen to arrive at a solution that suited all parties involved.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Other Conditions

Operating Hours

1. The hours the premises may be used for regulated entertainment shall be:

Main Building (indoors only)

Films	(i)	Sunday to Saturday	0000 to 0000
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Recorded Music	(i)	Sunday to Saturday	1200 to 0100
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Live music, performances of dance, entertainment similar to live music, performances of dance, provision of facilities for making music, dancing, entertainment similar to provision of facilities for making music, dancing.

	(i)	Sunday to Saturday	0800 to 0200
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	(ii)	New Year's Eve	0800 to 0800 1 January
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Marquee (indoors only)

Plays, films, live music, recorded music, performances of dance, entertainment similar to live music, recorded music, performances of dance, provision of facilities for making music, dancing, entertainment similar to provision of facilities for making music, dancing.

	(i)	Sunday to Saturday	0900 to 0000
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	(ii)	New Year's Eve	0900 to 0900 1 January
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2. The hours the premises may be used the provision of late night refreshment shall be:

Main Building (indoors only)

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|------|--------------------|---------------------------|
| (i)  | Sunday to Saturday | 2300 to 0200              |
| (ii) | New Year's Eve     | 2300 to 0500<br>1 January |

Marquee (indoors only)

- |      |                    |                           |
|------|--------------------|---------------------------|
| (i)  | Sunday to Saturday | 2300 to 0000              |
| (ii) | New Year's Eve     | 2300 to 0500<br>1 January |

3. The hours the premises may be used for the sale of alcohol shall be:

Main Building

- |      |                    |                           |
|------|--------------------|---------------------------|
| (i)  | Sunday to Saturday | 0730 to 0200              |
| (ii) | New Year's Eve     | 0730 to 0730<br>1 January |

Marquee

- |      |                    |                           |
|------|--------------------|---------------------------|
| (i)  | Sunday to Saturday | 0800 to 0000              |
| (ii) | New Year's Eve     | 0800 to 0800<br>1 January |

On the day each year when BST starts, the terminal hour in each case may be extended by one hour.

The above hours may be extended, either at the start or end of the licensed hours, on up to 25 occasions per year in the main hotel, and 10 occasions per year in the marquee, provided that at least 10 working days notice is given to the Police and the Licensing Authority. If the Police object to the extension, the extension may only go ahead with the written consent of the Licensing authority.

4. The hours the premises may open for other than Licensable Activities shall be:

- |     |                    |              |
|-----|--------------------|--------------|
| (i) | Sunday to Saturday | 0000 to 0000 |
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All Licensing Objectives

Crime and Disorder

None

## Public Safety

1. Details of emergency lighting, the fire alarms system, fire fighting equipment, fire procedures and safety training, an additional exit, fire risk assessment, fire-resistant separation of the kitchen from the public areas of the marquee and a management plan shall be supplied to Hampshire Fire and rescue within 14 days.

2. Such details as may be agreed by Hampshire Fire and Rescue (following submission in accordance with Condition 1 above) shall be implemented before any regulated entertainment takes place in the marquee.

## Public Nuisance

1. In relation to the marquee, regulated entertainment shall not be provided until a Noise Management Plan including maintenance and monitoring of agreed noise levels has been submitted to the Licensing Authority and agreed in writing by the Director of Communities.

2. The approved Noise Management Plan should be complied with at all times when regulated entertainment is provided.

3. Noise associated with regulated entertainment which takes place between the hours of 2300-0900 should be controlled to such a level that the noise shall be inaudible inside all noise sensitive properties.

4. No regulated entertainment to be provided until average and octave band levels within the marquee have been set and agreed by the Director of Communities to control noise levels between 0900-2300 hours. Such agreed levels shall not be exceeded at any time.

5. Whilst music is being played as part of regulated entertainment in the marquee, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

6. Prominent, clear notices shall be displayed at all exits in the marquee requesting customers to respect the needs of local residents, to leave the premises and the area quietly. Where appropriate, an announcement in similar terms shall be made over the internal public address system.

7. Regulated entertainment shall be restricted to the inside of the main building and the marquee. There shall be no outside speakers.

8. All doors and windows in the marquee that are capable of being opened directly to the outside of the premises shall be kept closed whilst the premises are in use for the purposes of regulated entertainment consisting of live or amplified music, except for access and egress.

9. A noise limiting device shall be installed in the marquee and all live and amplified music shall be routed through the device. The device shall be set to a level so as to minimise the impact on local residents, to the satisfaction of the Director of Communities.

10. Any air conditioning systems or cooking extraction systems used in connection with the marquee shall be turned off when not required or not in use.

11. Appropriate arrangements shall be operated for the removal and disposal of bottles and rubbish from the marquee area so as to ensure that local residents are not unduly disturbed.

Protection of Children

None

## 2. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Complaint against a Private Hire Driver	) Information relating to any individual. (Para 1 Schedule 12A refers) ) ) Information which is likely to reveal the identity of an individual. (Para 2 Schedule 12A refers) ) ) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

## 3. **COMPLAINT AGAINST A PRIVATE HIRE DRIVER** (Report LR212 refers)

The Sub-Committee considered the above Report which set out the circumstances surrounding a complaint concerning a private hire driver (detail in exempt minute).

The meeting commenced at 9.30am and concluded at 1.15pm.