

Notice of Meeting

Licensing Sub-Committee

Wednesday 12th September 2012 at 2.00 pm

**in Council Chamber, Council Offices,
Market Street, Newbury RG14 5LD**

Members Interests

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 4 September 2012

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Denise Anns - Tel: (01635) 519486 - Email: dannas@westberks.gov.uk.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

Newbury Rugby Football Club Ltd., Monks Lane, Newbury RG14 7RW



Agenda - Licensing Sub-Committee to be held on Wednesday, 12 September 2012
(continued)

To: Councillors Adrian Edwards (Chairman), Mollie Lock and Andrew Rowles

Substitute: Councillor Geoff Mayes

Agenda

Part I

Page No.

- | | | |
|-----|---|---------|
| 1 | Declarations of Interest
To receive any declarations of interest from Members. | |
| 2 | Schedule of Licensing Applications | |
| (1) | Application No. 12/01256/LQN - Newbury Rugby Football Club Ltd.,
Monks Lane, Newbury RG14 7RW
Proposal: Review of the Premise Licence
Location: Newbury Rugby Football Club Ltd, Monks Lane, Newbury
RG14 7RW
Applicant: Environmental Health | |
| (2) | Existing Premise Licence | 1 - 6 |
| (3) | Application to review the Premises Licence | 7 - 32 |
| (4) | Representations in support of the Review | 33 - 38 |

Andy Day
Head of Strategic Support

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.



West Berkshire
C O U N C I L

West Berkshire District Council

Culture And Environmental Protection, Environmental Health & Licensing, Council Offices, Market Street,
Newbury, Berkshire RG14 5LD
Tel: (01635) 519184 Fax (01635) 519172

Licensing Act 2003 Premises Licence

Uniform Ref: 12/00958/LQN

Premises licence number 013875

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Newbury Rugby Football Club
Monks Lane
Newbury
Berkshire
RG14 7RW

Licensable activities authorised by the licence

Performance of Plays
Exhibition of Films
Indoor Sporting Events
Performance of Live Music
Recorded Music
Performance of Dance
Other Similar Entertainment
Provision of Music Facilities
Provision - Dancing Facilities
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Performance of Plays

Monday to Sunday 10:00 to 02:00

Performance: Indoors and Outdoors

Further details: Theatre Plays with amplified sound. Staged area located centrally within clubs grounds

Exhibition of Films

Monday to Sunday 10:00 to 02:00
Performance: Indoors

Indoor Sporting Events

Monday to Sunday 10:00 to 02:00
Performance: Indoors

Performance of Live Music

Monday to Sunday 10:00 to 02:00 Indoors
Monday to Sunday 10:00 to 2300 Outdoors

Recorded Music

Monday to Sunday 10:00 to 02:00 Indoors
Monday to Sunday 10:00 to 23:00 Outdoors
Further details: Outside within (stage, tent, marquee or other structure)

Performance of Dance

Monday to Sunday 10:00 to 02:00
Performance: Indoors and Outdoors
Further details: Performance of dance for entertainments located centrally within grounds.

Other Similar Entertainment

Monday to Sunday 10:00 to 02:00
Performance: Indoors/Outdoors
Further details: Mobile street style entertainers. Acrobatic or circus entertainments within identified area.

Provision of Music Facilities

Monday to Sunday 10:00 to 02:00
Performance: Indoors

Provision - Dancing Facilities

Monday to Sunday 10:00 to 02:00
Performance: Indoors/Outdoors
Further details: Dancing to amplified and non amplified music

Late Night Refreshment

Monday to Sunday 23:00 to 02:00
Performance: Indoors and Outdoors
Further details: Outdoor Late Night refreshments in no more than five locations

Non Standard timings: When hours for sale of alcohol are extended on Bank Holidays and Event Days, these hours are also extended in line with same.

Supply of Alcohol

Monday to Sunday 10:00 to 02:00

Performance: On and Off the Premises

Seasonal Variation: To supply alcohol when televised sporting events i.e Football and Rugby World Cup and British Lions tours are broadcast, such hours to be decided in consultation with Police.

Non Standard timings: 10:00 New Year's Eve - 00:00 New Year's Day. 10:00 - 02:00 on up to 12 other events days per annum.

The sale of alcohol at certain areas including the Country Cottage mobile trailer and temporary marquees erected from time to time in the areas identified on the plan. The marquees erected will hold no more than 300 people at any time.

The opening hours of the premises

Monday to Sunday 10:00 to 02:00

Non Standard timings: Where televised sporting events i.e. Football and Rugby World Cup and Olympics are broadcast - such hours to be decided in consultation with Police.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and Off Sales

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Christopher John Rees

Newbury Rugby Football Club Ltd, Monks Lane, Newbury, Berkshire, RG14 7RW

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

12/00543/LIA West Berkshire Council

Date: 23rd July 2012

Signed:

Authorised Officer

Licence Granted 01/06/2006

DPS Variation 15/2/011

Licence Transfer 17/5/2012

DPS Variation 07/062012

Variation Granted 05/07/2012

Annex 1 - Mandatory conditions

Premises - Supply of Alcohol

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.

Premises - Door Supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
 - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - b) in respect of premises in relation to-
 - i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under the Act).
3. For the purposes of this section-
 - a) security activity means an activity to which paragraph 2(1)(a) of the Schedule applies, and
 - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of the Schedule.

Premises - Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the

licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section-

children means persons aged under 18: and
film classification body means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Licensing Act 2003 Mandatory Licensing Conditions Order 2010

The order, made on 16th March 2010 came into force on 6th April with the exception of paragraph 4 & 5 of the Schedule which came into force on 1st October 2010.

The conditions in paragraphs 1 to 3 and 5 of the Schedule apply to existing and future premise licences and club premises certificates where the licence or certificate authorises the supply of alcohol but NOT where the licence or certificate authorises the sale by retail or supply of alcohol ONLY FOR CONSUMPTION OFF THE PREMISES.

Schedule

Mandatory Condition (6th April 2010)

1.

1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Mandatory Condition (1st October 2010)

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5.

The responsible person shall ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Attached conditions consistent with the operating Schedule

Annex 3 - Conditions attached following Mediation with Environmental Health, Thames Valley Police and Children Safeguarding Board

1. The Premise Licence holder will inform Thames Valley Police of any outdoor event where the licence is applicable, 10 days prior to the event.

2. The Premises will operate a Challenge 21 (or Challenge 25) scheme.

3. Any recorded music between 23:00 hours and 01:00 will be provided by the use of headphones for the audience and operational staff such that recorded music is not audible to any member of the audience or staff not wearing headphones.

Annex 4 – Amended Plans as agreed with Environmental Health

Agenda Item 2(3)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I West Berkshire District Council Environmental Health (Pollution)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Newbury Rugby Football Club Ltd Monks Lane	
Post town Newbury	Post code (if known) RG14 7RW

Name of premises licence holder or club holding club premises certificate (if known) Christopher John Rees
--

Number of premises licence or club premises certificate (if known) Not known
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address West Berkshire Council Environmental Health and Licensing (Pollution) Council Offices Market Street Newbury Berkshire RG14 5LD
Telephone number (if any) 01635 519074
E-mail address (optional) rjgreen@westberks.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

West Berkshire Council Environmental Health (Pollution) have requested a review of the current premises licence for Newbury Rugby Football Club on the grounds that the licensing objective 'Prevention of Public Nuisance' is not being achieved in the management and operation of these premises.

There has been a recent successful application to vary the premise licence for NRFC to include the playing of live and recorded music outside. Following mediation between the applicant and Environmental Health (Pollution) covering concerns regarding the potential for noise nuisance from amplified music outdoors in the early hours on the morning the area of the premise licence was reduced to provide an increased buffer zone between the area for regulated entertainment and the nearest residential properties on Monks Lane, and the hours for live music was cut back to a finish time of 23:00 hours with recorded music after 23:00 being carried out by the use of headphones for the purposes of a 'silent disco'.

This variation covered any regulated entertainment activity at the club however was primarily put in place for the Newbury Beach Tournament to be held 13-15th July 2012. This was a first time event however the club envisaged that it would become an annual fixture.

At the time of the mediation process EH(Pollution) raised concerns regarding noise nuisance from the playing of amplified music. We were advised that acoustic consultants were contracted under the sound engineers who would be running the sound systems over the weekend. Advice was given regarding the operating noise levels detailed in the Code of Practice –Environmental Noise Control at Concerts 1995.

Due to the scale of the event and the potential for noise nuisance over a widespread area it was decided that noise monitoring would be carried out on Friday and Saturday evenings. The bass levels from the live music during the headline acts on the Friday and Saturday night was considered to be high. Complaints were received regarding noise nuisance, particularly the bass levels, over the weekend.

Contact with the club established that they did not have acoustic consultants monitoring noise levels, a club employee was monitoring using a basic sound level meter however had not had any formal training in its use. The agreed contact procedure of using Mr Rees' mobile phone to advise of high noise levels during the event did not work as his phone was switched off.

Officers went to the Club and met with Mr Rees on both Friday and Saturday night, advising of the high noise levels and the lack of control over the noise levels and the bass content. Following Friday night's meeting the noise levels were still high on the Saturday afternoon. Noise levels were reduced to an acceptable level during the course of Saturday evening.

A number of complaints of noise disturbance have been received during and after the event, with the high bass level being highlighted by several complainants.

In summary it is considered that public nuisance was caused by live music played outdoors during this event. The management did not have effective controls in place to ensure that these activities did not give rise to public nuisance. It is considered that the operation of future events with outdoor live music at this premise will give rise to public nuisance. It is therefore considered that this premise licence should be reviewed in order to assess whether it is appropriate for live music outdoors to be permitted at this site.

Please provide as much information as possible to support the application
(please read guidance note 2)

See attached:

Email to Chris Rees 18.06.2012 re concerns of hours of live music outdoors

Email from Chris Rees 18.06.2012 in response

Email to Chris Rees 21.06.2012 - summary of meeting

Email from Chris Rees 21.06.2012 - accepting variation changes

Email to Chris Rees 21.06.2012 -covering other noise issues

Marked up site plan showing revised Premise licence area

Noise Monitoring and Site Visit Notes:

Anna Smy 13.07.2012

Alice Pye 13.07.2012

Rosemary Green 14.07.2012

Russell Davidson 14.07.2012

Photos of site 14.07.2012

Map showing complaints of noise between 13-15th July 2012

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

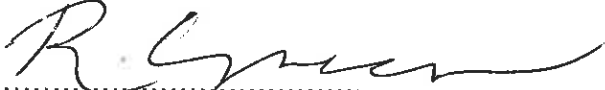
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 
.....

Date 19.07.2012
.....

Capacity Senior Environmental Health Officer
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
Rosemary Green
Senior Environmental Health Officer
Environmental Health and Licensing
Council Offices
Market Street

Post town Newbury	Post Code RG14 5LD
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Telephone number (if any) 01635 519074

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) rjgreen@westberks.gov.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**Rose Green**

From: Rose Green
Sent: 18 June 2012 14:52
To: gm@newburyrfc.co.uk
Subject: <v9_SmartSaved/> Application to vary premise licence - Newbury RFC
Categories: SmartSaved
SmartSaved: wbcopentlapp_U128_D22_N145313

Dear Mr Rees

Environmental Health (Pollution) have received a copy of your application to vary the premise licence.

Having looked at the application I have some concerns regarding the licensing objective - Prevention of Public Nuisance. The current premise licence for all regulated entertainment is for 10:00-02:00 indoors however the variation is for the same regulated entertainment 10:00-02:00 for both indoor and outdoors. The marked up plan showing the licensable area covers a large area of land with the boundaries nearest the residential properties on Monks Lane approx 70 metres from the facades of these properties. I have concerns that the playing of live and recorded music outdoors within 70 metres of residential properties until 02:00 hours will give rise to noise nuisance.

In the application summary you refer to 5 licensed bar/marquee areas which have been previously licensed. These areas are not shown on the plan so it is difficult to determine where these five areas are, resulting in the worst case scenario being considered of 70 metres from the nearest residential properties.

If possible please could you indicate the likely areas that live and recorded music events would be located. Also are the same hours needed for live and recorded music outdoors - can these be cut back to 22:00 or 23:00 hours when there is less likely to be noise disturbance to your neighbours?

I would be pleased to discuss my concerns with you on site if that would assist. I look forward to hearing from you shortly

Regards

Rosemary Green
Senior Environmental Health Officer
West Berkshire Council
Tel: 01635 519074
Fax: 01635 519172
Email: rjgreen@westberks.gov.uk

②

Rose Green

From: Chris Rees [gm@newburyrfc.co.uk]
Sent: 18 June 2012 16:27
To: Rose Green
Subject: RE: Application to vary premise licence - Newbury RFC

Dear Rosemary

In short, I am happy to bring the perimeter line of the licensable area to the north edge of our first team pitch. The intention of the variation was to enable slight movement in the 5 licensed areas.

I would be happy to restrict the playing of live music til 23.00, however my intention with recorded music was to enable us to have a silent disco until 01:00, so not amplified, but transmitted to headsets.

Would this be more suitable ?

By all means I would like you to come over to Monks Lane to discuss.

The closest neighbours have been consulted, however I appreciate neighbours could change.

Please advise

Chris Ree
 General Manager
 NRFC
 07827 432 765

From: Rose Green [mailto:RJGreen@westberks.gov.uk]
Sent: 18 June 2012 14:52
To: gm@newburyrfc.co.uk
Subject: Application to vary premise licence - Newbury RFC

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If possible please could you indicate the likely areas that live and recorded music events would be located. Also are the same hours needed for live and recorded music outdoors - can these be cut back to 22:00 or 23:00 hours when there is less likely to be noise disturbance to your neighbours?

I would be pleased to discuss my concerns with you on site if that would assist. I look forward to hearing from you shortly

Regards

Rosemary Green
Senior Environmental Health Officer
West Berkshire Council
Tel: 01635 519074
Fax: 01635 519172
Email: rjgreen@westberks.gov.uk

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Rose Green

From: Rose Green
Sent: 21 June 2012 10:06
To: gm@newburyrfc.co.uk
Subject: Application to vary the premise licence

Dear Mr Rees

Further to my recent visit to site to discuss your application to vary the licence to include live and recorded both indoors and outdoors amongst other changes, I am pleased to summarise the points agreed in our discussions:

1. The outdoor area to be included under the licence is reduced to cover the outer edge of Pitch 1 and between pitch 2 and 3, thus increasing the distance from the boundary of the licensable area to the nearest residential properties.
2. The finish time for live music outdoors is reduced to 23:00 hours
3. Recorded music outdoors will be limited to 23:00 hours. Any recorded music between 23:00 hours and 01:00 will be provided by the use of headphones for the audience and operational staff such that recorded music is not audible to any member of the audience or staff not wearing headphones.

I trust that this summarises what we discussed. If these changes are acceptable to you Environmental Health will not make a representation regarding the Prevention of Public Nuisance. On receipt of your confirmation I will then notify Licensing that Environmental Health (Pollution) raise no objections subject to these amendments to your application.

The Newbury Beach Party

With regard to the specific event The Newbury Beach party on 13-15 June 2012 I am concerned about the mixing desk and boundary noise levels given in our discussions. You advised that the desk was to operate at 95dB A Leq 15minutes in order to achieve 65 db A Leq 15minutes at the boundary of NRFC site. With the stage based adjacent to the edge of the main building and a mixing desk at approx 10 metres from the stage the nearest boundary of the site close to residential properties on Monks lane is approx 180 metres. In order to achieve 65dBA at the boundary the desk level would need to be 90dBA or lower. The 65dBA Leq 15minutes is based upon the Code of Practice on Environmental Noise Control at Concerts 1995. It is recommended that you check with your sound engineers and acoustic consultant to ensure that the event operates at these levels over the course of the event.

Concerns were also raised regarding possible noise nuisance from the camp sites within the grounds of the club. Management will need to ensure that any informal parties with amplified recorded music do not give rise to noise nuisance at nearby residential properties.

I trust that I have covered all the points raised at our meeting. I look forward to hearing from you with regard to the premise licence amendments. If you wish to discuss any points in greater detail please do not hesitate to contact me.

Regards

Rosemary Green
Senior Environmental Health Officer
West Berkshire Council
Tel: 01635 519074
Fax: 01635 519172
Email: rjgreen@westberks.gov.uk

4

Rose Green

From: Chris Rees [gm@newburyrfc.co.uk]
Sent: 21 June 2012 10:52
To: Rose Green
Subject: RE: Application to vary the premise licence

Morning Rosemary

I am very happy with the summaries of our discussion and would like you to forward to the licensing team.

I will inform the stage of the desk level.

Additionally, we will have the campsite manned 24 hours so will control the noise level. Is there an acceptable level ie 30db, which would not affect neighbours ?

Regards

Chris Rees
 NRFC
 07827 432 765

From: Rose Green [mailto:RJGreen@westberks.gov.uk]
Sent: 21 June 2012 10:06
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2. The finish time for live music outdoors is reduced to 23:00 hours
3. Recorded music outdoors will be limited to 23:00 hours. Any recorded music between 23:00 hours and 01:00 will be provided by the use of headphones for the audience and operational staff such that recorded music is not audible to any member of the audience or staff not wearing headphones.

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Regards

Rosemary Green
Senior Environmental Health Officer
West Berkshire Council
Tel: 01635 519074
Fax: 01635 519172
Email: rjgreen@westberks.gov.uk

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Rose Green

From: Rose Green
Sent: 21 June 2012 14:48
To: Chris Rees
Subject: RE: Application to vary the premise licence

Hi, Chris

Thank you for your response. I will notify Licensing of our agreement.

With regard to the noise from the camp site there are no specific noise levels. Any assessment would be determined on receipt of noise complaints and assessment by an officer that the noise was causing a statutory noise nuisance. If noise from the camp site was clearly audible at the boundary of the NRFC site on Monks Lane during your perimeter checks you would need to take action to reduce these levels. Management control of the camp site is the key to controlling noise from these areas.

Regards

Rosemary Green
 Senior Environmental Health Officer
 West Berkshire Council
 Tel: 01635 519074
 Fax: 01635 519172
 Email: rjgreen@westberks.gov.uk

From: Chris Rees [mailto:gm@newburyrfc.co.uk]
Sent: 21 June 2012 10:52
To: Rose Green
Subject: RE: Application to vary the premise licence

Morning Rosemary

I am very happy with the summaries of our discussion and would like you to forward to the licensing team.

I will inform the stage of the desk level.

Additionally, we will have the campsite manned 24 hours so will control the noise level. Is there an acceptable level ie 30db, which would not affect neighbours ?

Regards

Chris Rees
 NRFC
 07827 432 765

From: Rose Green [mailto:RJGreen@westberks.gov.uk]
Sent: 21 June 2012 10:06
To: gm@newburyrfc.co.uk
Subject: Application to vary the premise licence

Dear Mr Rees

Further to my recent visit to site to discuss your application to vary the licence to include live and recorded both indoors and outdoors amongst other changes, I am pleased to summarise the points agreed in our

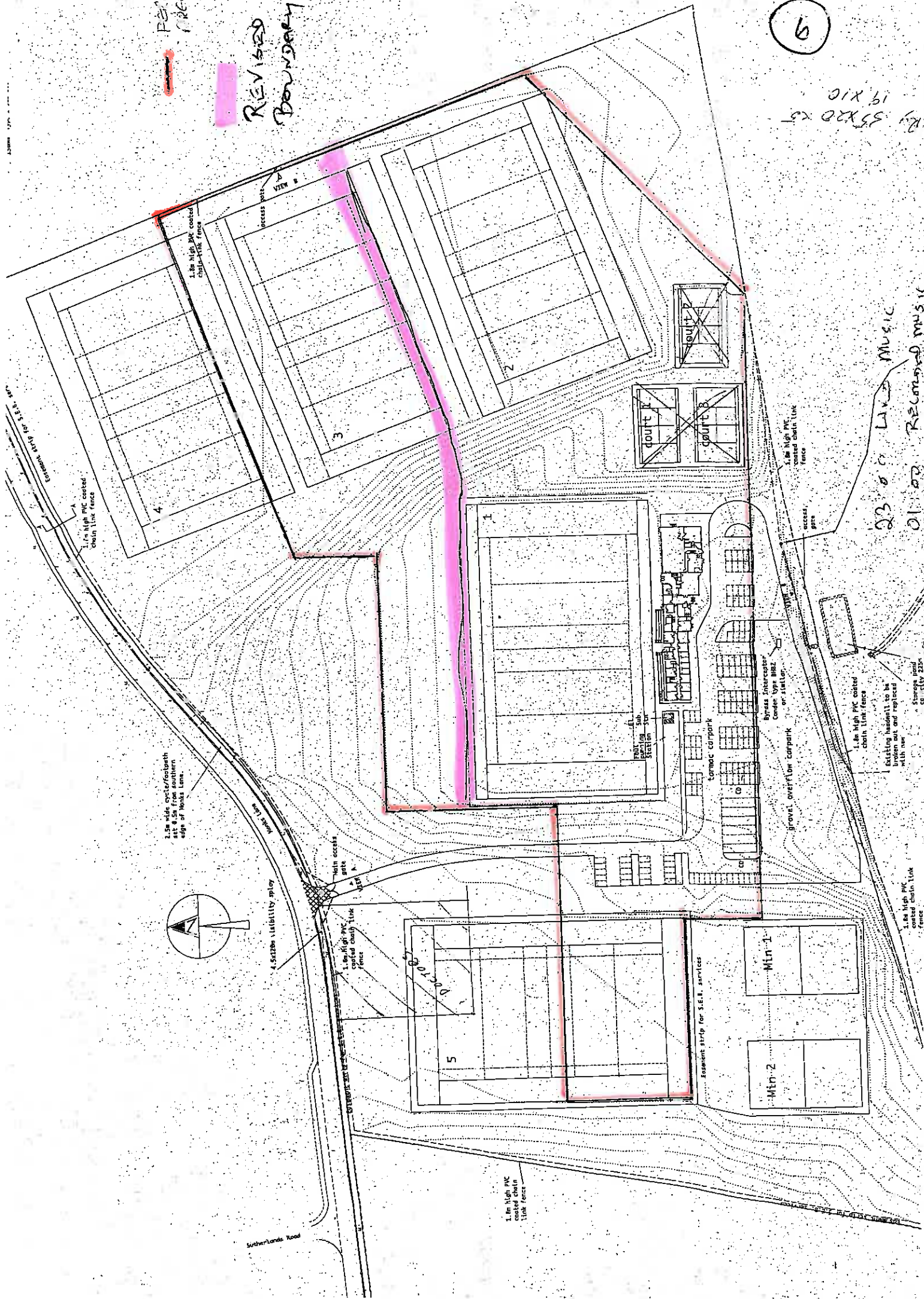
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REVISED
BOUNDARY

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By 35220 x5
19 X10

23 0 0 LIVES MUSIC
01 00 RECORDED MUSIC



At 20.20 I received a telephone call from Alice Pye to advise me that the noise levels witnessed at that time had been ok, we agreed she would monitor again from 21.30 when the main band were due on stage.

At 22.10 I called Alice to see how things were, she said it was loud and a problem and I agreed to meet up with her outside the site.

When I arrived in Heather Gardens (opposite the site) at about 22.40 Alice informed me that the music had stopped at about 22.35. I noticed a loud generator running with a low frequency hum. The Tannoy also announced the start of the silent disco. We decided to visit the site as Alice had been unable to contact Chris Rees on the mobile number provided.

When we got to site we met with Chris Rees, he was very agitated by our attendance on site and very defensive about the noise. He was not interested in discussing the matter, he was only interested in whether or not there had been any breaches of the noise levels which had been given as guidance. When Alice spoke to him about his phone being off his attitude was that she should have left a message then he would have rung back and that he didn't have any missed calls. We checked the number provided and it was correct. Ally Pankhurst offered to provide us with his number but Chris said it was not necessary.

Whilst discussing matters with him it was clear that there had been problems with people gaining access to the site without the appropriate wrist bands. He was suggesting that any complaints would be malicious as an ex-employee was trying to close them down and get rid of their licence. He did say that he had not received a paper copy of the licence or any paperwork.

They did not have acoustic consultants on site, Ally Pankhurst was taking measurements but by his own admission didn't know what it meant and he was a technophobe.

We had visited the site to advise them that until the bass was reduced the noise was carrying considerably and to help them take steps to minimise the noise tomorrow, Chris Rees seemed perturbed by our visit and showed no respect for noise management or control. At the end of the conversation Ally Pankhurst gave us his telephone number and said that this event was his baby and he would be in trouble if there was a noise problem. We advised him that if he felt that the noise was intrusive and would stop him watching TV or disturb sleep then he needs to take action to reduce the noise.

In general I felt that there was only a token amount of consideration given to noise and its impact on neighbouring properties. There was a lack of respect and understanding of the EH team. I would have concerns about their ability to control a similar event in future. Had the weather better I would say that more complaints would have been received as on this day the weather was dull (previously been raining) and cool.

Anna Smy
18.07.2012

**Newbury Beach Tournament
13th July 2012**

I first visited the area around Newbury Rugby Club at 19:40 on Friday 13th July 2012. Music was audible from the site at the designated monitoring points but it was not excessive and unlikely to cause a nuisance if it remained that those levels.

Agreed with Anna Smy that I would revisit the site at around 2130 when the main band was playing and the back ground noise level would have dropped to reassess.

On arrival at 2140 it was immediately noticeable that the music was considerably louder than earlier. While I was checking the monitoring sites the bass level dropped but the music was still loud, I contacted Anna to ask her to visit as I was concerned the level of music I was hearing was causing a nuisance.

The music finished at 2235 just before Anna arrived in site. After it finished I tried to contact Chris Rees on the mobile number we had been provided but it went straight to voice mail. I tried twice more in the next 5 mins but still did not get an answer.

When Anna arrived on site we decided to go onto site and see if we could speak to Chris Rees to discuss the music levels with him.

When we met Chris Rees on site he was very defensive about his phone being switched off and told me I should've left a message. Asked if he had had any messages or calls from residents about the noise he denied he had had any missed calls including mine. He did not appear concerned he was uncontactable by either EH or residents. Tried to discuss the music levels with him but he was only interested in whether they had breached the guidance levels. Tried to explain that these were guidance levels but he did not listen.

We were joined by Ally Pankhurst who told us he was the event organiser and had taken some readings of 71db at their boundary and 67db out on Monks Lane. He said he had spoken to a resident who had come to site to complain and that they had turned the bass down as a result of this.

Tried to explain that this was a courtesy visit to advise them they needed to take further actions to reduce the noise levels for Saturday night. Ally was agreeable but Chris was not, he became increasingly agitated and aggressive as the conversation progressed.

Once the conversation ended Ally escorted Anna and I out, he apologised for Chris's behaviour and asked for our advice on the small hand held noise monitor he had. Anna advised that it was good as an indicator of the noise but that was all. Ally admitted he did not know how to use it and what the readings meant. Explained to him how to make a subjective assessment without the monitor and he asked Rose or Russell to contact him directly rather than go through Chris.

There was no evidence that there were acoustic consultants monitoring the event for the Rugby Club and the personnel on site that were tasked with doing the monitoring had little knowledge of what was acceptable. Chris Rees showed a lack of concern over the impact the music was having on local residents and was unconcerned about the potential for repeating the nuisance the following night. Based on my observations of the management of the noise control at the event I believe that similar future events are likely to cause nuisance to local residents.

Alice Pye
18.07.2012

RDD File Note on Event from Newbury Rugby Club 13th to 15th July 2012

I have been employed by West Berkshire Council since October 2003 working within the Pollution and Housing team responsible for dealing with industrial and commercial noise complaints. I hold a diploma in Acoustics and am an associate member of the Institute of Acoustics. I am authorised by the Council under the Environmental Protection Act Section 79(1) to undertake these duties.

As part of the Council's Environmental Health planning for the event I was asked to assist Rose Green a Senior EHO in noise monitoring on the Saturday evening.

Following a phone call from Rose Green during Saturday daytime I was asked to visit the site along with Rose at around 18.00 in order to speak with the event organiser Chris Rees regarding the level of noise emanating from the live bands during the previous night and a perceived lack of control reported by Officers who had been noise monitoring.

On site we met with Chris Rees and Ally Pankhurst. On meeting Chris I could smell alcohol on his breathe which I thought to be inappropriate for someone who had overall responsibility for the event. The previous nights events were then discussed and in particular the apparent lack of acoustic consultants monitoring the noise levels from the live music which had been specified beforehand as a requirement. Chris advised that he had been 'let down' by the music production company he had hired who had come highly recommended. He was under the impression that the monitoring should have been the responsibility of the production company and that he had perhaps been a 'bit naïve'. When this lack of monitoring became apparent Ally advised that he had been given a noise meter and was told to go and monitor. Ally himself explained that he had no idea what he was doing and had no experience in this field.

Advice was then given to Ally and Chris regarding the required monitoring and as the live music had already started on stage myself and Rose left site in order to undertake noise monitoring at previously agreed locations. Ally also set off to undertake subjective monitoring.

Rose and I arrived in a lay-by in Monks Lane outside residential properties located south of Newbury College Roundabout at around 18.35. Standing in this location the words to the lyrics of the song being played were clearly audible. The bass level was also excessive with a rhythmic low frequency bass beat witnessed. In my opinion this level was intrusive. After a short period of time a resident approached us from his property. After advising him of our purpose he explained that he wanted to make a complaint regarding the noise level and in particular the low bass 'thumping' noise he had experienced last night and again tonight. He advised that his granddaughter was unable to sleep the previous

night due to the noise level. We advised that we would be monitoring the levels during the evening.

As heavy rain then started falling we retreated to the car. Rose then proceeded to contact Ally Pankhurst to ask him to meet us at this location to discuss the noise level witnessed.

At around 18.50 I contacted Careline UK, the Council's Emergency Out of Hours Contact Centre in order to establish the level of complaints received to date as a result of the event. I was given details of 6 complaints received the previous night from around 21.40 to 22.30 in the evening and from a range of locations from as far as Deadmans Lane and The Oaks. No complaints had yet been received today.

While I was sat in the car still on a call Ally Pankhurst arrived around 7pm and started speaking with Rose. I joined them shortly afterwards.

Ally explained that he had just been in Andover Road and that the music levels were fine. We then explained that the noise level witnessed here in this location was excessive, and the level, particularly the bass had to be reduced. Ally then phoned to advise this. The level was then reduced to an acceptable level and it was explained to Ally that the noise level must remain at that setting throughout the evening. He agreed and made a further phone call. The level at the sound desk was apparently 65 dB.

Rose and I then left this location and agreed to meet again at 20.30 at site in order to undertake noise monitoring from the main act on stage during the evening.

After meeting at the rugby club at the agreed time we waited to around 21.15 when the performance started. At this point we walked out of the rugby club and proceeded down Monks Lane towards Sutherlands in order to witness the noise levels at that location. The levels witnessed subjectively at this location were deemed to be acceptable. We then went back to the car and drove to our previous monitoring point in the lay-by in Monks Lane in order to measure the noise level.

Although the lyrics to certain songs were audible at this location, there was no intrusive low frequency bass element to the noise. Furthermore the dominating background noise level in the area was from passing traffic. The noise level witnessed subjectively was deemed to be acceptable. Noise monitoring using a calibrated type 1 RION sound level meter was then undertaken at this location, the measurements being paused when traffic passed. Noise levels of between 48 to 55 dB L_{Aeq} were measured. The music finished at 22.30 as stated in the event programme and we then left.

Note for file: Newbury Rugby Football Club

Newbury Beach Tournament – Noise Monitoring Saturday 14th July 2012

Officers: Rosemary Green (RJG) and Russell Davidson (RDD)

18:00 Following an update from Alice Pye (AJP) advising that noise monitoring of live music on the Friday night had been high and that bass was an issue we visited the club and met with Chris Rees, general manager, and Ally Pankhurst, groundsman. Chris Rees was called away initially due to a drugs issue he had to attend with the Police.

On his return, I asked to meet with the acoustic consultants who were to be on site with the sound engineers running the event.. Chris Rees advised that they had been let down and there were no acoustic consultants on site. Ally Pankhurst had been trying to monitor noise levels along Monks Lane. Anna Smy (ALS) and AJP had come onto site after the finish of the headline act the previous night and had discussed issues with Chris and Ally. Discussed again problem with high bass content. We agreed to meet up with Ally along past Rupert Road area of Monks Lane as this was where bass was noted as high.

Parked up in lay-by in front of houses on Monks Lane past Rupert Road , outside 18, 20 Monks Lane. Music started – noted the high bass content which could be heard inside the car. Rainstorm came over – very heavy downpour – music stopped. Ally Pankhurst arrived – discussed high bass content with him. He checked when music was to re-start –had been stopped by Phil Mitchell – Paramedic. Checked with Careline to see if complaints received regarding music from event. 6 complaints had been received for Friday night – none had been received for Saturday at that time. Complaints covered properties along Monks lane, Tydehams, The Oaks and Deadmans Lane so covered a wide area.

Resident of nearby property approached us – they had been disturbed by the bass level inside their property Friday night and were concerned re levels for Saturday night.

19:30 Music re-started – bass content reduced . Agreed to leave site and return to monitor headline act at 20:30.

20:30 Returned to site – monitoring generally from Doctor’s Surgery car park from 20:30 until 21:15 when music started. Photos taken of tents and marquees that appeared to be outside the agreed premise licence area. Monks Bar was outside the line agreed to run between Pitch 2 and 3.

Once music had started- 21.:15 – The Rolling Stoned – we went out on to Monks Lane and walked towards the Andover Road, adjacent to Sutherland Gardens . Noise level assessed subjectively – bass content considerably reduced and considered acceptable. Music was not discernible when there was passing traffic. Considered that music would not be clearly audible inside with a window open.

Drove up to lay-by past Rupert Road – outside No 14, 16 checked noise there – lyrics could be heard however the bass content considerably reduced. Assessed noise levels

as being acceptable. Ally Pankhurst stopped in lay-by – advised noise levels acceptable at this level.

Noise levels monitored from this location until finish at 22:30. Noise readings taken over five minutes however affected by passing traffic so paused during each drive past to ensure noise from music alone was measured. Levels stayed consistent – no bass element – largely vocal.

Returned to Doctor's surgery car park – no live music. Crowd still present – silent disco to follow. Left site at 22:45.

Rosemary Green
18.07.2012

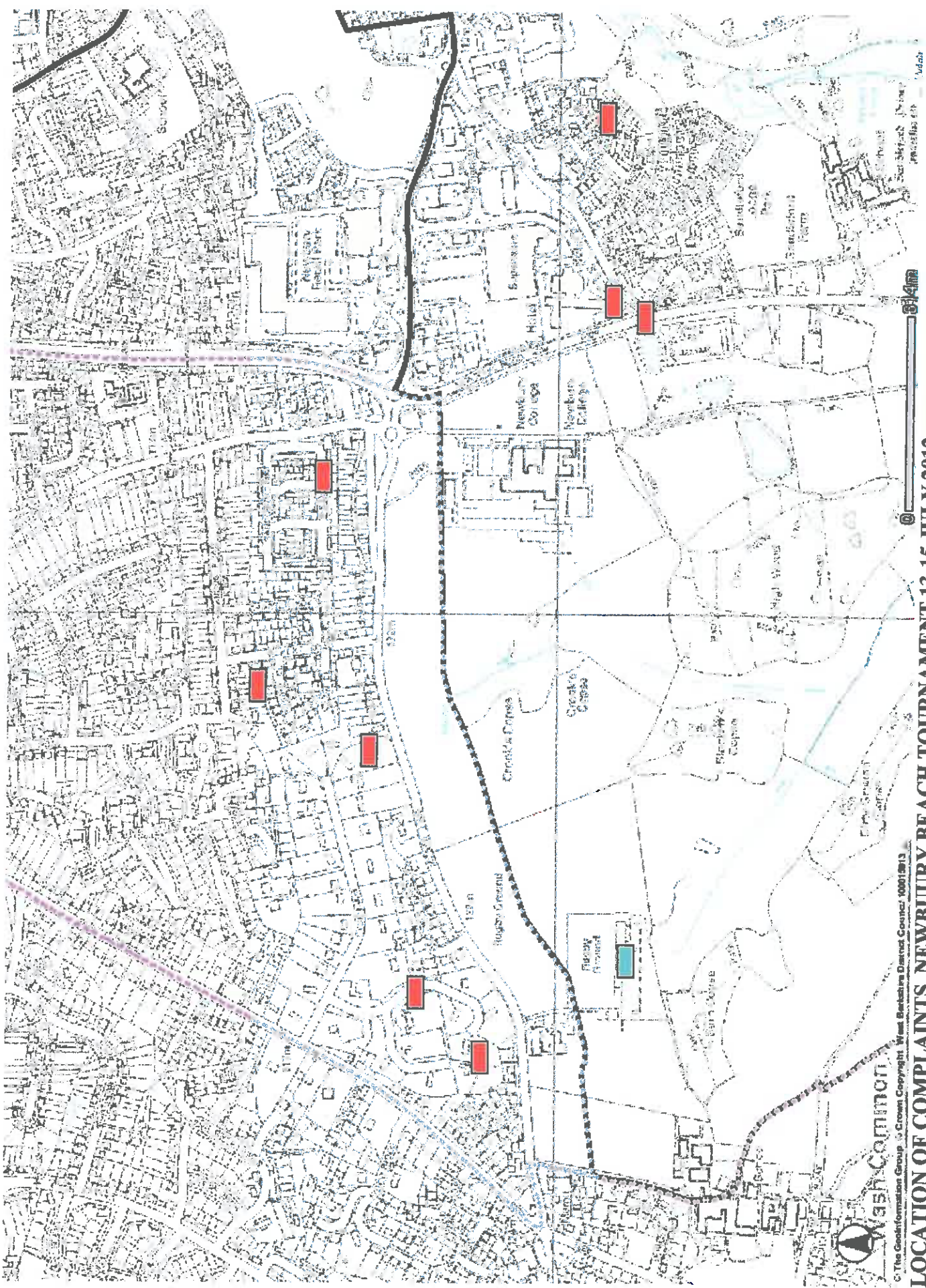


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LOCATION OF COMPLAINTS NEWBURY BEACH TOURNAMENT 13-15 JULY 2012

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Agenda Item 2(4)

From: John Boston, Clerk to Greenham Parish Council
[mailto:clerk@greenham.gov.uk]
Sent: 16 August 2012 15:49
To: Emilia Matheou
Subject: RE: Newbury Rugby Football Club Premises Review

Dear Emilia,

GPC has received a number of complaints of excessive noise about the recent concert at Newbury Rugby Club. It is notable that a significant proportion of complaints came from Bishops Green and the area south of Greenham Common. This suggests that the elevated position of the Rugby Club, the known propensity for noise to travel across the Common and atmospheric/weather conditions all played a part.

GPC has no desire to curtail local businesses but suggests that the Prevention of Public Nuisance could be achieved by curtailing the Licence at a suitable time (22.30 or 23.00) – at least so far as outside activities goes.

Regards

John

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Southwood Tydehams Newbury Berkshire RG14 6JT

Environmental Health (Licensing)
West Berkshire District Council
Council Offices
Market Street NEWBURY
Berkshire RG14 5LD

13 August 2012

Dear Environmental Health (Licensing),

*Newbury Rugby Football Club Limited, Monks Lane, Newbury, Berkshire
RG14 7RW*

*“Prevention of Public Nuisance” Review under the Licensing Act 2003 (Premises
Licences and Clubs Premises Certificates) Regulations 2005*

We wish to support the Council’s review of the Rugby Club’s licence in view of the fact that the Club has been unable to achieve the objective of Preventing Public Nuisance in managing and operating the Club premises.

As Tydehams residents of 26 years, we made no objection when the Club applied to set up its site on Monks Lane to train for and play games of rugby football. This we expected to involve some acceptable levels of noise – or “sound pollution” – through spectator support and of “light pollution” through artificial lighting.

Beyond Rugby Football

However, a number of things have occurred since the premises were first opened for these purposes that have caused us to have to complain both to the Council’s Environmental Health Department and to the Club itself, on grounds of serious nuisance for reasons beyond the mere training for and playing of the game of rugby.

We have on several occasions had cause to contact the Council because we have been kept awake late into the night by unacceptable volumes of music (especially bass notes), when the premises have been hired out to private hirers for parties. This has caused us to need to close our windows on hot summer nights, and yet the noise has still come through despite well-insulated walls and high-specification double-glazing.

We had been given to understand by the Club’s management that the conditions for hiring out the premises for such functions included that music be played at reasonable levels of volume and that the building’s windows be kept shut during such hirings.

On a recent three-day weekend of events, there was intolerably loud music accompanying throughout the day and late into the evening for the entire weekend. Even sitting in rooms facing away from the club the bass sounds were so loud they reverberated throughout and could be clearly heard even with a proms concert played at high volume on the television I contacted your offices at that time to complain again.

It appears that, recently, the Club has sought to extend the hours during which it can provide "entertainment, refreshment and alcohol" on the premises. We can only assume that, as these hours are extended to embrace not only Saturdays but all days of the week, the sound pollution can only potentially become worse and lead to increased nuisance to local residents, ourselves included. Because of the lie of the land between the Clubhouse and residential areas beyond Monks Lane, the noise becomes amplified and directed away from the Clubhouse and towards our own property in ways that might not be immediately obvious.

The prospect of extended licensing hours, not only within the day but also across the week, added to the fact that the Club's management has not always ensured that organisations hiring the premises have kept their side of the bargain with respect of noise nuisance can only lead to an increase in our need to contact the Environmental Health (Licensing) Department.

We submit these observations for the Department's consideration and look forward to learning that, all things considered, the Department will consider that the Club's failure to achieve the "Prevention of Public Nuisance" objective in managing and operating their premises should render the requested licensing variation both inappropriate and unsuitable in the circumstances.

Yours sincerely,

Michael McKenzie

Barbara McKenzie

The Field House Tydehams Newbury Berkshire RG14 6JT

Environmental Health (Licensing)
West Berkshire District Council
Council Offices
Market Street NEWBURY
Berkshire RG14 5LD

13 August 2012

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*Newbury Rugby Football Club Limited, Monks Lane, Newbury, Berkshire
RG14 7RW*

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Licences and Clubs Premises Certificates) Regulations 2005*

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However, a number of things have occurred since the premises were first opened for these purposes that have caused us to have to complain both to the Council’s Environmental Health Department and to the Club itself, on grounds of serious nuisance for reasons beyond the mere training for and playing of the game of rugby.

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We had been given to understand by the Club’s management that the conditions for hiring out the premises for such functions included that music be played at reasonable levels of volume and that the building’s windows be kept shut during such hirings.

Further, when the Club set out several years ago to encourage family attendance at Saturday afternoon matches, they began to play popular music over their public address system in the period leading up to kick-off. This they did at volume levels – and over a prolonged period – that we considered unacceptable and inappropriate. We contacted the Club’s management at the time and quite reasonably asked them to reduce the volume levels, which, following a visit to our house to experience the noise for themselves, they agreed to do, by changing the position of and turning down their loudspeakers. However, over time the situation has deteriorated and we have often subsequently experienced the playing of unacceptably loud music again.

On a recent three-day weekend of events, about which we residents in Tydehams were given no prior notification, there was loud music accompanying throughout the day and late into the evening for the entire weekend.

It appears that, recently, the Club has sought to extend the hours during which it can provide “entertainment, refreshment and alcohol” on the premises. We can only assume that, as these hours are extended to embrace not only Saturdays but all days of the week, the sound pollution can only potentially become worse and lead to increased nuisance to local residents, ourselves included. Because of the lie of the land between the Clubhouse and residential areas beyond Monks Lane, the noise becomes amplified and directed away from the Clubhouse and towards our own property in ways that might not be immediately obvious.

In conclusion

The prospect of extended licensing hours, not only within the day but also across the week, added to the fact that the Club’s management has not always ensured that organisations hiring the premises have kept their side of the bargain with respect of noise nuisance can only lead to an increase in our need to contact the Environmental Health (Licensing) Department.

We submit these observations for the Department’s consideration and look forward to learning that, all things considered, the Department will consider that the Club’s failure to achieve the “Prevention of Public Nuisance” objective in managing and operating their premises should render the requested licensing variation both inappropriate and unsuitable in the circumstances.

Yours sincerely,

R Whiting

Robert WHITING

Patricia Whiting

Tricia WHITING