

MINUTES
OF A MEETING OF THE
LICENSING SUB-COMMITTEE A

held on 16 October 2023

Present:

Cllr R Leach (Chairman)
Cllr S Hussain (Vice-Chair)
Cllr A Caulfield

1. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 26 September 2023 be approved and signed as a true and correct record.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. URGENT BUSINESS

There were no items of Urgent Business.

4. NOTIFICATION OF A TEMPORARY EVENT - GREENFIELD SCHOOL

The Sub-Committee had before it a report regarding a Notice of a Temporary Event from Greenfield School, 182 Old Woking Road, Woking GU22 8HY, for which an objection had been received from Environmental Health. Alexandra Houghton and Meg Gardiner Boiling attended the meeting as the Applicant to represent Greenfield School. Janine Knighton attended the meeting as the Objector to represent Environmental Health.

All parties present had a copy of the Licensing Committee's agreed procedure to be followed at Licensing Sub-Committee hearings. The Chairman introduced Members of the Sub-Committee and outlined the order of speaking which would be followed at the hearing.

The Licensing Authority's representative, Matthew Cobb, summarised the report that was before the Sub-Committee, stating a Temporary Event Notice had been received on 2 October 2023 from Alexandra Houghton on behalf of Friends of Greenfield School (the Parent Teacher Association) for a fireworks event to take place at the School on 3 November 2023, which would also include the sale of alcohol and provision of regulated entertainment from 17.00 to 20.00 hours. An objection from Environmental Health had been received on 2 October 2023 on the grounds of public safety due to the alarm and distress caused to horses and the associated risk of the keepers and the general public should the horses escape and bolt into nearby areas. The Sub-Committee noted that following publication of the agenda pack, a submission had been received from the School and a video showing distress to a horse during the previous year's fireworks event and five letters of concern from the owners of horses at Hoebridge Equestrian had been submitted from Environmental Health.

Following questions by the Applicant, it was noted that the intention was to hold a short low noise fireworks display at 18.00 hours and a longer normal display at 18.45 hours, both provided by an external company; and that the expected level of engagement between Applicant and Objector varied on a case by case basis.

The Objector had no questions for Mr Cobb. Following questions by Members of the Sub-Committee, it was noted that fireworks were covered by national guidance and the Fireworks Regulations 2004, which was Police enforced; and Environmental Health held statutory powers under noise nuisance.

The Applicant was given the opportunity to address the Sub-Committee. Mrs Gardiner Boiling advised the Committee that the School catered for children aged up to 11 years old and was committed to the local community, having held a number of Temporary Events in the past for which there had been no objections. The first fireworks event had been held in November 2022 and was stated to have been very successful and enjoyed by the circa 400 people who attended, and the School had followed local and national guidance by providing advance notice to neighbours, including Hoebridge Equestrian. Following the event, correspondence from the stables had been received to set out the distress caused to the horses, and the School wrote to advise the stables of the steps that had been taken in advance of the event. The School provided onsite parking to attendees, had informed Fire Services and the local authority in advance, and had provided barriers to Hoebridge Equestrian. For the 2023 event, a longer period of notice had been given by the School from 11 May 2023.

Following the objection from Environmental Health, the School had contacted Hoebridge Equestrian and stated that no response had yet been received, offering to make a financial contribution towards the cost of moving the houses for the duration of the displays. It was noted the low noise display would reach 70-90 decibels, with the normal display being 175 decibels.

Following questions by Mr Cobb, it was reiterated that no communication had been received from the stables; it was likely that the video had been filmed last year during the normal display; and the building shown in the video was likely to be 260 – 330m from the fireworks.

The Objector had no questions for the Applicant.

Following questions by Members of the Sub-Committee, it was stated that the School had tried to engage with the stables and had spoken with the fireworks provider regarding the low noise fireworks; it had not engaged directly with Environmental Health as they had been unsure of the lines of communication; and no complaints had been received by the School following last year's event.

The Chairman gave the Objector the opportunity to address the Sub-Committee. The Sub-Committee was advised that previous Notices from the School had been approved, however an objection had been submitted following a complaint from the stables after the event held last year following a vet needing to be called who had provided a horse with two doses of sedation as it was trying to escape and bolt, which continued after the sedation. The complainant had advised that the issue had begun during the low noise event and had become elevated during the main event, putting the keepers in danger of being crushed, kicked or bitten and potentially creating risk for members of the public if a horse did manage to escape and bolt. It was stated that 175 decibels was equivalent to a jet engine, louder than a shotgun and closer to a rocket. The Council's Animal Welfare Policy was

referred to which undertook to protect animals from harm. The horses were stated to live at the stables where they could relax and sleep, and the enjoyment for those attending the proposed fireworks display would subject the horses to significant distress and potentially put the public at risk.

Following a question by Mr Cobb, Mrs Knighton stated that the reality of moving horses around during a fireworks display was impractical, as there may not be sufficient horse boxes or drivers, the horses may be fearful of being moved into a horse box in the evening when they would normally be going to sleep, and the vehicles could be taking the horses close to another display. If horses were transferred to other stables, they would usually need to quarantine for 14 days' beforehand due to contagious disease control.

Following a question by the Applicant, Mrs Knighton stated that she was unsure how many horses were at the stables, however they were likely to be put to bed at around 18.30 hours.

Following questions by Members, it was stated that no complaints had been received for the annual fireworks event at Woking Park; low noise fireworks had an impact on the horses although the lights would not.

The Chairman gave those present the opportunity to make closing statements.

Mr Cobb stated that during the discussion there had been a level of speculation, for example how many horses would be affected at the stables and the level of veterinary bills, and there was a need to balance the right of the School to hold events with the rights of the stables to ensure the safety of its animals. Reference information such as the Government guidance document 'Fireworks and Animals' produced by the Blue Cross did not extend to detail such as the types of fireworks and ideal distance.

Mrs Knighton stated that Environmental Health held a statutory duty to uphold public safety and held a strong connection with animal welfare. The proposed event would create the risk to the keepers and members of public from of the horses escaping and bolting. Even if the matter could be controlled, there would be emotional distress caused to the horses along with financial and physical effects. It was stated that a horse should not need to be put through a sedation when the cause could be prevented. It was stated that there was no issue with Greenfield School holding events, however the proposed event represented too risky a situation to proceed.

The Applicant stated that the School was committed to the community and had provided a submission in advance to demonstrate that it was working to mitigate the effects on the horses, including the offer of a financial contribution towards moving the horses for the duration of the display, and urged the Sub-Committee to approve the Notice.

The Chairman adjourned the meeting at 12.20am. The Sub-Committee deliberated in private, requesting that the Council's Solicitor, Amanda Francis, join them for the provision of legal advice, and re-assembled at 12.35pm.

The Chairman advised those present that the Sub-Committee had taken into account the written representations before it, the oral statements made at the meeting, the Council's Licensing Policy and national guidance.

The Chairman reported that the Licensing Sub-Committee had resolved to refuse the Notice as it had given weight to the objection of Environmental Health and was persuaded that if the event for which the Notice had been given went ahead, the Licensing Objective

in relation to public safety would be undermined. The Sub-Committee had decided to serve a Counter Notice in respect of the application for the event on 3 November 2023, and therefore the event would not have the authority to proceed as provided under the Licensing Act 2003. The Counter Notice would be served by the Council's Senior Licensing Officer on behalf of the Sub-Committee.

The reasons for the decision were that a Temporary Event Notice did not allow for conditions to be imposed or hours to be reduced and therefore no additional controls could be put into place by the Licensing Sub-Committee to mitigate the concerns raised by Environmental Health; and the Sub-Committee was especially concerned about the welfare of the horses from the fireworks being set off, the close proximity of the horse stables and previous complaints about fireworks displays at the School causing alarm and distress to the horses, requiring veterinary sedation which would put the public at risk of injury because a startled horse could be dangerous if it became spooked and escaped from the site.

There was the right of appeal to the Magistrate's Court within 21 days, and at least five working days before the date of the event.

RESOLVED

That a Counter Notice be served in respect of the Notice of a Temporary Event received from Greenfield School for the event on 3 November 2023, and therefore the event did not have authority to proceed as provided under the Licensing Act 2003.

The meeting commenced at 11.30 am
and ended at 12.40 pm

Chairman: _____

Date: _____