

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of a **LICENSING SUB COMMITTEE A** held on Friday 10 May 2013 at 10.30am in the Exe Room. Phoenix House, Tiverton

### **Present**

**Councillors:** Mrs E M Andrews, N V Davey and D J Knowles  
(substituting for Cllr M A Lucas)

### **Also Present**

**Officers:** M Parish (Licensing Manager), G Pratt (Legal Advisor)  
and S Gabriel (Member Services Officer)

## **1 CHAIRMAN – ELECTION**

**RESOLVED** that Cllr N V Davey be elected  
Chairman of the Sub Committee for the  
meeting.

Cllr Davey then took the Chair.

## **2 PUBLIC QUESTION TIME**

Cllr Mrs D L Brandon asked whether it was right that the quality of life of neighbouring residents should be affected as they have to deal with noise and traffic issues over several weekends per year all for the financial gain of one person.

The Chairman stated that the Sub Committee could only consider representations from responsible authorities.

## **3 TEMPORARY EVENT NOTICE – WHITMOOR FARM, KENTISBEARE**

Consideration was given to a report \* of the Head of Environmental Services relating to an objection to a Temporary Event Notice (TEN) from Environmental Health to an event at Whitmoor Farm, Kentisbeare, 9 to 11 August 2013.

The Members and Officers introduced themselves.

The Licensing Sub Committee decided that the meeting should be heard in public session.

The Licensing Officer informed the Sub Committee that the applicant Mr Watts was present together with Mr I Winter (Pollution Control Officer).

The Licensing Officer referred to the report and the objection from the Pollution Control Officer on the grounds of the prevention of public nuisance from music noise levels.

The Pollution Control Officer outlined the history of events at the site and the number of complaints that had been received. The Minutes of a hearing for a previous application by the applicant was distributed for information where

the Sub Committee had found that no counter notice be given in the matter and that the event be allowed to proceed for the following reasons: "that whilst finding the evidence of the objection by Environmental Health to be sustained this was balanced by the small number of complaints and the applicant's undertaking to restrain the bass and drumming style and use other deadening techniques". Complaints had been received for 4 further events, noise monitoring equipment had been put in place in a neighbouring property for an event in July last year; during that event 7 noise complaints were received, the noise monitoring equipment had been retrieved following the event and it had been ascertained that noise nuisance had been caused and was likely to reoccur. 2 Noise Abatement Notices had been issued, 1 to the organiser of the event and 1 to the landowner; neither of the notices had been appealed. He then provided background information with regard to acceptable noise levels. Noise monitoring equipment was then put in place in a neighbouring property 460 metres away from the site for Watts Fest that took place in September 2012, Members of the Sub Committee were able to hear 5 of the 48 recordings made for this event:

Friday 7 September 2012 - 9.56pm and 11.10pm

Saturday 8 September 2012 – 1.03am and 9.22pm

Sunday 9 September 2012 – 8.38pm

It was noted that the levels heard by the Sub Committee were typical of what had taken place and that the equipment had been kept in a safe and secure place prior to being used at this meeting. The Pollution Control Officer summed up by stating that the applicant had failed to act on any advice or help offered by the Environmental Health Service with regard to noise deadening measures, a Noise Abatement Notice had been issued, high levels of noise had been recorded 460 metres from the event site and public nuisance would continue and therefore he continued to object to the Temporary Event Notice.

Mr Watts was requested to respond to the objection, he stated that he could not understand why Watts Fest was louder than Kos Fest, he had used straw and silage bales, had parked a lorry near the marque and turned the speakers towards Kentisbeare to try and block the noise and did not understand the readings. He admitted that he had made a mistake by allowing drum and bass music to be played, the proposed event would have no DJ music it would be a folk type weekend. He questioned why Kos Fest organised for July this year had received a licence. When questioned as to what actions he had taken to regulate the drum and bass music of last year, he stated that he had pulled the plug on the electricity.

Further discussion took place regarding dealing with noise levels and controlling young people.

Members of the Sub-Committee withdrew to consider their decision.

**RESOLVED** that in recognition to the objection raised by Environmental Health following complaints received from the public over a number of years about events organised by the applicant, a Counter Notice be issued and that the event not take place for the following reasons:

a) lack of cooperation with the Environmental Health Service and Licensing Authority;

b) lack of confidence in the management of the event;

c) lack of a Noise Management Plan; and

d) Mr Watts of Whitmoor Farm was currently subject to an Abatement Notice in respect of noise nuisance and therefore he should be aware of the need to work with the Responsible Authorities.

(Proposed by the Chairman)

Note: \* Report previously circulated; copy attached to signed Minutes.

(The meeting ended at 11.55am)

**CHAIRMAN**