

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING SUB-COMMITTEE C** held on 18 June 2015 at 10.00 am

Present

Councillors Mrs F J Colthorpe, Mrs G Doe and
T G Hughes

Also Present Officers

Simon Newcombe (Public Health and Professional Services Manager), Philip Langdon (Solicitor), Ian Winter (Environmental Health Officer) and Sarah Lees (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr N V Davey who was substituted by Cllr Mrs F J Colthorpe.

Apologies were received from Cllr J M Downes who was substituted by Cllr Mrs G Doe.

Apologies were received from Cllr P H D Hare-Scott who was substituted by Cllr T G Hughes.

2 CHAIRMAN - ELECTION

RESOLVED that Cllr T G Hughes be elected Chairman of the Sub Committee for the meeting.

Cllr Hughes then took the Chair.

3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR ELMORE, HORSDEN PARK, HEATHCOAT WAY, TIVERTON, DEVON, EX16 4DB

Consideration was given to a report * from the Head of Human Resources and Development containing relevant information in relation to an application that had been received for a new premises licence for Elmore, Horsdon Park, Tiverton.

The Members and Officers introduced themselves.

Cllr Mrs F J Colthorpe declared a personal interest in that she had attended events at the Tiverton Hotel in the past and in fact was due to attend an event this coming weekend.

The Sub Committee agreed that the hearing be held in public.

The Public Health and Professional Services Manager outlined the contents of the report. A description of the premises was provided and it was explained that the club had held a Club Premises Certificate for approximately 10 years. In that time, the club had also applied for a number of Temporary Event Notices but now wished to apply for a new overarching premises licence. There was a key difference between what was being applied for in terms of indoor and outdoor events. The application stated that all outdoor events would terminate at midnight.

Following consultation the Licensing Authority had received responses from both the Police and Environmental Health. Suggested conditions upon the licence had been offered by both parties and these were contained within the annexes to the report. A total of 9 valid representations from local residents had also been received.

The Applicant, Mr Hewitt, was invited to make his representation to the Sub Committee. He explained that it was never the clubs intention to hold events 7 days a week. The fact that it was primarily a football club greatly restricted the number of months available to hold outside events on the pitch. The pitch could not be used between the months of September to the following May each year. There was also the need to conduct pitch repairs during the summer months which may take up to 6 weeks. Therefore the window of opportunity to hold licensable activities outside was greatly reduced.

He further explained that he was prepared to accept the condition of two outdoor events per year. He was aware of issues in relation to noise which is why he had applied for outdoor events to finish at midnight. The Sub Committee questioned Mr Hewitt on how wide the leaflet drop was before an event. Mr Hewitt explained that leaflets were dropped to all properties in Kings Crescent, Queensway and those at the Tiverton end of Blundells Road. The event was also very well advertised around the town and on the website. The Chairman asked the objectors present to comment on what had been said regarding the leaflet drop. Comments were made such that leaflets had only been received two days before an event date. It was felt that there had not been enough consultation with local residents.

Environmental Health, a Responsible Authority represented by Mr Ian Winter, was then asked to present his evidence. It was explained that this was a problematic site in an urban setting with a large business in close proximity. Mr Winter had been in communication with both the Applicant and the complainants prior to the hearing. He had advised the Applicant to liaise with the Hotel prior to an event and had carried out noise monitoring at the Hotel. A Noise Management Plan (NMP) did give Environmental Health more ability to control an event, however, the NMP currently offered by the Applicant was not enforceable and needed fine tuning. His advice, in line with national guidance, was that there needed to be noise monitoring points and that any NMP needed to be approved by Environmental Health before an event took place. It was further explained that 65 decibels over a 15 minute period of testing would be acceptable in an urban area. Ultimately adherence to the NMP and the conditions of a licence would be the responsibility of the Applicant.

Representations from Other Persons were then invited. Mr Waterman, a local resident and objector explained that he had been disturbed by the noise many times, in fact, if he knew an event was happening he would go away as the noise was unbearable. The events usually happened in the hottest months of the year when you

would normally have your windows open. It was not possible to sit and relax in the garden on a summers evening.

In seeking further clarification the Sub Committee were informed that the start time for the large scale music events was usually mid-morning, allowing bands to practice and do sound checks before starting in the early afternoon.

Mr Horwood, also a local resident living in Kings Crescent, stated that he was happy to see charitable events, raising money taking place but was concerned that the club seemed to be getting more and more commercial with lots of events taking place which were unrelated to football. He was also concerned at the lack of respect for local residents and had particular concerns that a marquee situated on the pitch could be classed as an indoor event, thereby having later finishing hours. At this point the Public Health and Professional Services Manager informed those present that for this specific site a marquee on the pitch would be considered to be an external event. Reference was made to the Plan showing the pitch as the blue area and the club house as the green area. It was again stressed that anything within the blue area would be considered an external event.

At this point in the proceedings, the Applicant, Mr Hewitt stated that he would be happy to amend the Christmas and New Year finishing hours, such that indoor events would finish at midnight on Christmas Eve, 2am on Boxing Day night and 2am on New Year's Eve rather than the hours stated in the application.

Mr Scoble, also a local resident, stressed the need for a NMP that had 'teeth'. The 'base' noise from these events had been even worse with the windows closed.

Tiverton Hotel was represented at the hearing by Mr Colin Hewitt. He stated that having listened to the discussion at the hearing a few of his concerns had been alleviated, one being that outdoor events would finish at midnight and the other being that a marquee was considered to be an outdoor event. He explained that the hotel was a big employer and guests wanted peace and quiet. Complaints regarding previous events had led the hotel to giving refunds to some guests. A major concern had been the fact that the Applicant had originally applied for indoor events to finish at 3am during the Christmas period and he welcomed the offer from the Applicant to amend the times to those he had stated.

The question was asked as to where future marquees might be sited on the pitch. Mr Winter stated that the Applicant would be advised as part of the NMP where the best positions would be. He also made reference to a number of factors that could reduce noise such as low circuit speakers or acoustic clouds.

All those who had provided evidence were invited to provide a summary of their key points but it was not felt necessary by those who had already spoken.

The Sub Committee then withdrew to consider their decision.

RESOLVED that the application for a premises licence be granted subject to the following conditions:

- a) The areas of the premises marked in blue on the plan (not green) can only be used for licensable activities on two occasions in any one calendar year.

Reference to 'occasion' in this condition refers to a single event taking place between 10am and midnight on any one calendar date. No such event shall take place unless a minimum of 15 days has elapsed since the previous event.

- b) When the areas marked in blue on the plan (not green) are to be used for the licensable activities of amplified music (live and recorded), a Noise Management Plan must be submitted to Mid Devon District Council Licensing Authority no less than 21 days prior to the event start date. Approval must be given not less than 7 days before the event start date. The Noise Management Plan, once approved, must be complied with as a condition of the licence.
- c) The daytime music noise level from the premises for the times 09.00am until 24.00am shall not at monitoring locations 1,2 and 3 (as detailed on Plan A) exceed 65dB (A) over a fifteen minute period (LAeq) through the daytime duration of the event. The night time noise level from the premises for the times 24.00am until 9.00am shall not at monitoring locations 1, 2 and 3 exceed 45 dB(A) over a five minute period (LAeq) throughout the night time duration of the event.
- d) A CCTV system will be installed, operated and maintained on these premises in accordance with Mid Devon District Council's CCTV operational document for licensed premises and to the satisfaction of the Chief Office of Police.
- e) Where a licensable event will or is likely to attract over 250 people, the DPS or Premises Licence Holder must notify the Police and Licensing Authority of the following information at least 21 Days prior to the event taking place:
 - Name of the event
 - Duration of the event (start and end date)
 - Number of people expectedThe above notification must be in writing. Email notification is sufficient to comply with this condition.
- f) Where it is intended to use the premises for the playing of live and recorded music the finishing times shall be as followed on the following days of the year:
 - Christmas Eve 24.00am
 - Boxing Night 02.00am
 - New Year's Eve 02.00am

Reasons:

The Sub Committee have listened carefully to the evidence provided by the Applicant, the Responsible Authorities and the Other Persons. In reaching their decision they were particularly influenced by the concerns raised by local residents and representatives from Tiverton Hotel regarding excessive 'base' type noise preventing sleep in the local area. When considering the conditions placed upon the licence, the Sub Committee felt that there was a need to condition **all** licensable activities held in the outside area to two events per year rather than just amplified music events. It was felt that there could be the possibility of holding two amplified music events but also a number of other licensable activities **outside** which may generate large volumes of noise such as theatrical performances or boxing matches.

In discussing the condition relating to the Noise Management Plan, the Sub Committee felt that it was important for approval to be given not less than 7 days **before** the event start date, allowing all those who might be affected by the event to have sight of it before hand should they wish to.

The licensing objective of preventing public nuisance, in this case caused by excessive noise, was at the fore front of all their deliberations.

(Proposed by the Chairman)

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

(The meeting ended at 1.05 pm)

CHAIRMAN