

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING SUB-COMMITTEE D** held on 20 August 2015 at 10.00 am

Present Councillors

K Busch, Mrs F J Colthorpe and N V Davey

Also Present Officer(s):

Richard Keith Hill (Environmental Protection Officer), Philip Langdon (Solicitor), Simon Newcombe (Public Health and Professional Services Manager) and Julia Stuckey (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Mrs B M Hull who was substituted by Cllr Mrs F J Colthorpe and from D J Knowles who was substituted by Cllr N V Davey.

2 CHAIRMAN - ELECTION

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

Cllr Davey took the Chair.

3 DETERMINATION OF A NEW PREMISES LICENCE APPLICATION FOR HAYNE BARN, ZEAL MONACHORUM

Consideration was given to a report * from the Head of Human Resources and Development containing relevant information with regard to an application that had been received for a new premises licence for Hayne Barn, Zeal Monachorum, Devon.

The Members and Officers introduced themselves.

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 he explained that the intention stated was to use the premises for events such as weddings, parties and conferences. A new extension had been built and roof insulation put in place to restrict noise movement to the outside. He explained the location of the premises and its proximity to the village.

The days and hours of the application were reported. The Officer explained that relevant statutory consultations had taken place and that there had been no objections or comments from any responsible authorities, with the exception of Environmental Health. The 28 day statutory consultation period had resulted in three representations from local residents.

The applicant, Mr Herniman, was invited to make his representation to the Sub Committee.

Mr Herniman explained that it was not his intention to hold a large number of events but that the Licencing Officer had informed him that this type of application was appropriate for his needs. He explained that he had renovated some listed buildings at his property which had resulted in significant expenditure; he therefore needed to use them to generate some income. He explained that he was a musician and that he was therefore conscious of noise, both incoming and outgoing. For this reason he had used materials such as roof beams that would help with this, he had also built an extension to prevent noise leaving from the double doors of the barn and had put in place as many noise restrictors as he considered possible

Mr Herniman had purchased the property with the intention of recording music and possibly hosting concerts. Recent events had included an evening of food with a Michelin Star chef, a Mexican evening and some weddings; an acoustic guitar evening was planned.

A new entrance had been added at the property so that traffic left directly onto the main road to the village, with clear visibility. This had been requested by the Highways Authority.

Environmental Health, a responsible authority, was then asked to present their evidence. The Officer, Mr Richard Keith Hill, reported that there were concerns regarding noise in what was a very quiet rural area. In order to protect neighbours it was recommended that the licence have a condition attached which would restrict noise levels to +5 decibels over the normal background level for the area (night and day), as detailed in the report. The Officer explained that this limit was very low.

Representations from interested parties were then invited. Mr B Hollingsworth, representing his wife Mrs J Hollingsworth, a local resident and objector, explained that though they did not want to put restrictions on the applicant earning a living or bringing events to the village, they were concerned about noise levels. He explained that they were not seeking a refusal of the application but asked for adequate protection from noise.

When offered the opportunity to summarise any key points Mr Herniman stated that his property was thatched, so he would not be holding any firework events, that most events generally ended by midnight and that the Fire Authority had expressed satisfaction regarding the work that had taken place. He also had CCTV in place, with number plate recognition. He stated that he considered the +5 decibel limit to be harsh when the industry normal limit was +15.

In summary Mr Hollingsworth stated that he was satisfied with the recommendation for +5 decibels.

The Sub Committee then withdrew to consider their decision.

RESOLVED that the application for a premises licence be granted in full subject to the following condition:

During the performance of any regulated entertainment from the licensed premises the Aweighted equivalent continuous noise level (LAeq) emanating from the premises, as measured at the designated monitoring point, at a minimum distance of 3.5m from any reflective buildings over any 15 minute period after 0900 until 2300 and any 5 minute period after 2300 until 0900 with entertainment taking place, must not increase by more than +10 dB as compared to the same measure, from the same position and over a comparable period, with no entertainment taking place.

The reason for this being that of the four licensing objectives the one causing concern was the prevention of public nuisance, and a condition to limit noise was proposed. During the hearing the Environmental Health officer admitted that the proposed level was restrictive and would be one of the toughest in the country. The committee did not see the need to restrict the applicant to that level and therefore felt that the decibel level should be set at +10 rather than the +5 suggested by Environmental Health in their proposed condition.

Environmental Health were invited to comment on this proposal and Mr Keith-Hill indicated that he did not object to the revised condition.

Note: - Report previously circulated and attached to Minutes

(The meeting ended at 12.45 pm)

CHAIRMAN