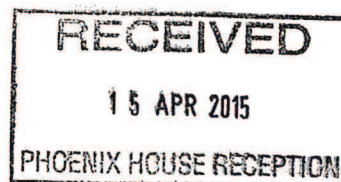


Countess Mead House,
Chettiscombe,
Tiverton,
Devon EX16 7PP

15 April 2015

The Licensing Authority
Mid Devon District Council
Phoenix Lane
Tiverton
Devon EX16 6PP



Dear Sirs

Premises Licence Application (Full) - The National Trust, Knightshayes Court - Comments and Objections

I have lived at Countess Mead House for over 32 years. Together with my family, I am a long-term supporter and admirer of the National Trust and the conservation work that it carries out.

However, please will you take the following comments and objections into consideration when deliberating on the recent application for a full licence for Knightshayes Court ('the Trust').

**1 Part 3 Operating Schedule
Description of the property.**

Paragraph 1 is misleading.

The property is widely described as including gardens and other open land and as being 'some distance' from any other property in different ownership'. 'Some distance' gives the impression that other property in separate ownership will not be affected by the proposed activities covered by the licence.

If one knows the property, looks at the map attached to the application, or views the property on Google Maps it can be seen that the property actually has a long boundary with farmland in different ownership and more importantly, the property is only a matter of a few metres from seven residential properties, literally just over the road in Chettiscombe.

The Knightshayes Plantation indicated on the map as opposite the residential properties is certainly not the densely wooded area that it was many years ago and there is a very large expanse over the road from, particularly my own property, that is completely open land, right up close to the Trust buildings.

Knightshayes Court itself is visible from my upstairs windows. Many more trees have disappeared in this whole area in more recent years.

This openness and the fact that the prevailing wind is westerly – blowing from the Trust in the direction of the Countess Mead properties means that noise is clearly audible.

2 Parts A and B – Films and plays

Flexibility may occasionally be needed, but the overall problem is that to grant this application (for all the entertainment/activities envisaged) gives the Trust complete discretion to change and expand their offering in style and size and timing without having to apply on occasions for the additional flexibility that is needed.

While the local Mummers group is given here as an example, the temptation will surely be to expand little by little, or possibly to a much larger extent, without controls being exercised along the way. The wording ‘...on the occasions when it is required’ is a little vague. The words ‘low key’ may not be applicable to anything in the application other than the performances by the local Mummers group. If flexibility is only occasionally needed, why is a full licence needed?

3 Parts E, F and G Playing of live and recorded music; the performance of dance

Last summer, the Trust ran a ‘Soup Stock’ event. I was able to hear the music and general noise quite clearly from my property. The event ran for five hours. I did not complain as I hoped that this would be of limited duration and not repeated.

Please see <http://www.middevongazette.co.uk/Local-bands-sought-perform-Knightshayes-Soupstock/story-21200557-detail/story.html> and <https://www.facebook.com/events/900003886682819/> for information on ‘Soup Stock’.

I was not aware of/did not hear the noise in 2013 when, I believe the Soup Stock event was commenced, but it was clearly audible in 2014. You will note that the 2014 dates advertised were all Sundays.

Many would consider that it is quite objectionable that people trying to enjoy peace and quiet in their own properties on a Sunday afternoon are obliged to listen to noise emanating from a National Trust property. If I wished to listen to rock or other music on a Sunday afternoon, or indeed at any other time, I would

do so in such a manner that no one else were disturbed. I would not enforce it upon my neighbours. May I suggest that amplification could be amply reduced?

Details in accordance with the guidance note - No details are given of the proposed Live Music in accordance with the guidance note. Of course one appreciates that it may not be possible to give details of events not yet planned in the long-term, but surely some clear and detailed examples should be provided, particularly as it is intended that the performance of live music is to take place outdoors and can finish at midnight. The wording 'low-key' is not used in this or subsequent sections of the application.

The Trust must have at least an idea of likely events scheduled for the next year or two. Details of one or two events will give the responsible authorities reference points when considering the application, and markers against which to compare future complaints (if any).

It is of concern that as the Soup Stock music was audible from the lawn outside the stable block (last year's location), then how much louder would it be if the location of the event were moved closer to Moorhayes, Bolham or Chettiscombe. There is nothing in the application that would prevent the event being moved closer to Moorhayes, Bolham or Chettiscombe. There is ample open Trust land upon which it, or other live or recorded music events could take place.

As with Live Music, there are no details given for the playing of Recorded Music. This is a serious omission and the Trust should be providing proper examples.

If the Trust is concerned that objections will be made, or that their activities will be restricted if they provide details, then that is of concern in itself.

The performance of dance would, in most cases, be accompanied by music. Again, there are no details supplied except that it is intended that it shall take place both indoors and outdoors up until midnight. My comments as to the playing of music are applicable here with regard to exact location of the event in the property and the volume of the music.

It is not inconceivable that large outdoor and very noisy events will take place. There appears to be no restriction on the times of operation of the events, the numbers of events, the numbers of people attending, the consequent noise of vehicles arriving and departing and the actual location.

Although it is stated that in practice any events will be limited to certain areas of the property for reasons of conservation and control, the National Trust wishes to have total power to locate events anywhere within the boundaries shown on the plan.

Why, in accordance with their assertion as to location, cannot there be a specifically defined area in which such events are allowed to take place?

4 H - Anything of a similar description

Again, no further details are given as required by the form except that the events are to take place both outdoors and indoors up until midnight. Again, total discretion in the hands of the Trust.

5 I - Late night refreshment

Indoors and outdoors, and presumably including alcohol. Again, no details given, but total discretion applied for.

6 J – Supply of alcohol

There have been a number of instances of anti-social behaviour by people accessing the Trust's woodlands, which is difficult and time-consuming for the Trust to control. This has included the consumption of alcohol and the spread of litter.

Would the Responsible Authorities consider that the Trust should not be permitted to supply alcohol for consumption outside of the perimeter of the particular event?

See also 8 below as to M(b).

7 L – Opening Hours

The plan does not show the areas of land to which the Trust suggests that the public has unrestricted right of access. The licensing authority should know exactly to which areas this relates. Can it not be clearly marked on the map?

8 M - The licensing objectives

b) The prevention of crime and disorder

Please see J and L above. Given the size of the property, the parameters of the licence applied for, the possible numbers of customers and lack of information in key areas of the application, the Responsible Authorities may well consider that control measures should be included as conditions on any licence granted.

c) Public Safety requirement

Does this include members of the public on or off the premises who are not attending any event who can be affected by actions, events or behaviour in connection with any licenced event? If so then conditions should be applied.

d) Prevention of public nuisance

The premises are located on the very edge of a town that has had a reputation of being somewhat 'rough'. It is within easy walking distance of the town.

The demographic of customers: – the offering of the Trust appears to be

changing to a more populist one. Many of the perceived 'traditional demographic' may not attend late night live and recorded music sessions.

The behaviour of many people is affected by the consumption of alcohol.

Past performance is no guide or guarantee as to future performance. In fact there is no 'past performance' on what appears to be a totally unrestricted licence.

Noise concerns have been mentioned above.

With the inclusion of Trust land within the perimeters of the proposed Mid Devon Show, possibly for many years to come, then it is highly likely that there will be instances of public nuisance occurring to the detriment, particularly, of the residents of Moorhayes, Bolham and Chettiscombe.

The Responsible Authorities may consider that an unrestricted licence should not be granted until at least several years of the Mid Devon Show at this location have taken place in order that they can take an objective overview.

Conclusion and Request

Is there actually a real and present need to grant a 'blanket' licence? If not, then why grant one? It is better to grant full discretion in stages, rather than try to limit a complete discretion granted in the first place.

The Trust is applying for the total freedom of a full licence. I respectfully request that the responsible authorities take into account the size of the property and that they be concerned about a distinct lack of information in the application, which runs alongside the request for complete discretion.

The application is drafted in such a way, apart from Part 3 Operating Schedule, that it could apply to any number of National Trust properties, with clauses simply lifted from precedents. Perhaps more particular reference to specific areas of the property and much more detail with respect to the intentions relating to the operations should be provided even before the application is considered.

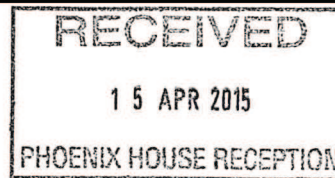
In a recent radio programme (<http://www.bbc.co.uk/programmes/b04f9q7k>) entitled 'What's the Point of...?', Quentin Letts came to the conclusion that 'For most of its visitors and four million members the real point of the National Trust is escapism with a lovely view, a nice afternoon out, a nice cup of tea...Nice.'. Please let us keep it that way.

In sum, I request that the application is refused.

Helen Mead (Mrs)



Mr Tom Keating
Local Authority Licensing Department
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton Ex16 6PP



**OBJECTIONS to the application for an unlimited FULL LICENCE
by The National Trust (Enterprises) Ltd for Knightshayes Court**

Location that an extended Licence would cover: ref to Part 3 Operating Schedule

The National Trust have recently held musical activities, outdoors, on land between the Coach House and the Country House. These musical events can be heard from some distance, and in particular the properties in the hamlet of Chettiscombe.

With the National Trust now offering some of their land for use for the Mid Devon Show in July 2015, it can only be assumed that the intention of applying for a Full Licence to extend the areas of use would be to hold events on other parts of the estate - for example the 'lower fields' east of Knightshayes Lodge.

The applicant states in the *description of premises*, that *the property is some distance from any other property in different ownership*. It may be fair to say that this is correct when referring to the Country House and Coach House. But if fields in other parts of the estate were used, these could not be classed as *some distance* from the properties of Countess Mead, nos 1 to 6 Countess Mead, the hamlet of Chettiscombe and Bolham village.

If the noise from activities near the Country House can already be heard 'load and clear' in the surrounding area, noise from other parts of the estate would increase the nuisance to local residents only a short distance away.

Licensed activities:

Although all Licensed activities can pose a risk, my objection is particularly concerned with the provision of *alcohol and late night refreshments* for outdoor activities such as *plays, dance, live music and recorded music*.

Indoor activities within the premises can be more easily monitored, particularly with regards to noise levels.

Outdoor activities could result in unsocial behaviour in other parts of the estate, also creating a problem with litter e.g. glass and plastic on the land, causing a hazard to the abundant Wildlife in the area.

Unregulated gatherings of young people (overnight) have already taken place in the woods opposite the Countess Mead properties, in the summer months. This has caused late night disturbances to residents, and has resulted in - fires left unextinguished, large amounts of litter being left, including glass and plastic bottles and broken glass, in the woodland.

Tranquil setting:

The National Trust property at Knightshayes has long been known for its beautiful grounds, gardens and woodlands, and in particular for its tranquil setting. Increased activities on the estate could have a detrimental effect on the surrounding land, flora and to Wildlife on the estate.

Increased numbers of visitors:

If the applicant is intending to increase the areas of use, it can also be assumed that this would involve activities likely to attract an increased number of visitors to *musical events* for example. This would severely affect the tranquil setting of land around Knightshayes Court.

I respectfully request that this application, to extend the areas which are Licensed, be refused.



Frances Thomson
1 Countess Mead
Chettiscombe
EX16 7PP

MID DEVON DISTRICT COUNCIL

Licensing Committee

Procedure for Hearings

1. Introduction

The hearing will be conducted in accordance with The Licensing Act 2003 (Hearings) Regulations (2005). The Sub-Committee will follow the procedure set out below at all hearings under the Licensing Act (2003)

2 The Officers

- 2.1 Each Sub-Committee will comprise of three Councillors of Mid Devon District Council who will hear applications made under the Licensing Act (2003)
- 2.2 The Committee will be attended by a:
 - (a) A Licensing Officer
 - (b) Representative of Legal Services
 - (c) Representative of Member Services
- 2.3 The role of the Licensing Officer will be to introduce the application, outline the relevant facts and any issues involved through the presentation of their report
- 2.4 The role of the representative of Legal Services will be to deal with any questions of law, matters of practice and procedure and where appropriate assist the Sub-Committee in formulating the reasons for its decision. They may ask questions of parties and witnesses in order to clarify the evidence and any issues in the case.
- 2.5 The role of the representative of Member Services will be to make a record of the proceedings both by way of notes of the evidence given and a minute of the decision reached, inclusive of the reasons for the decision.

3. Procedures at the hearing

- 3.1 The Chair of the hearing will introduce the members of the Sub-Committee and the Officers present at the hearing.
- 3.2 The Chair will introduce the matter to be resolved, and will ask the parties present at the hearing to introduce themselves.
- 3.3 The Chair will outline the procedure to be followed at the hearing.
- 3.4 Upon the failure of a party to attend the hearing, the Sub-Committee will decide whether to adjourn the matter, or proceed in the party's absence. If the decision is taken to proceed, the party's written application or representation will be taken into account.
- 3.5 The Sub-Committee will consider whether the hearing should be held in public or private session. The hearing will usually be heard in public except where the Sub-

Committee decide that it is in the public interest for the public to be excluded from a particular hearing, or part thereof or where the Sub-Committee make a resolution that the public and the press be excluded from the hearing, on the basis that either confidential or exempt information is likely to be disclosed.

- 3.6 The Sub-Committee will decide whether to grant any written request made by a party for permission to call a witness at the hearing. Any request may not be unreasonably withheld.
- 3.7 The Sub-Committee will consider any requests to present any new evidence or information that has not already been disclosed to all the parties and the Sub-Committee. The general rule is that the Sub-Committee must not consider information or evidence that was not disclosed to it or to the other parties prior to the hearing taking place, although all parties at the hearing can agree to that extra information being considered on the day of the hearing.
- 3.8 The Sub-Committee will consider any requests to call witnesses and will make a decision on such requests.
- 3.9 The Sub-Committee will consider any requests for permission to ask questions of other parties. The Sub-Committee will consider whether asking questions is required in order for it to consider the case properly. If permission is given to one party to ask questions, it will usually be given to all other parties at the hearing.
- 3.10 The Sub-Committee will decide the length of time that each party will be allowed to present their case.
- 3.11 The hearing will take the form of a discussion to be led by the Sub-committee
- 3.12 The Chair will ask the Licensing Officer to outline the matter before the Sub-Committee.
- 3.13 Where the written evidence or information provided by the applicant, responsible authorities and/or interested parties have raised legal issues or submissions, the Chair may request that any legal representatives present at the hearing and the legal representative of Legal Services address the Sub-Committee on the legal points raised.
- 3.14 The Applicant will make their case first either personally or through a representative. The Applicant may give further information in support of the application, but only in response to a point upon which the authority has given notice that it will want clarification.
- 3.15 Documentary evidence or other information produced by the Applicant may be considered, provided this has been produced prior to the hearing, or if not, with the consent of all the other parties. It may be necessary in some circumstances for the hearing to be put back until later in the day so that parties may consider additional information which is produced at the hearing.
- 3.16 The Applicant may then be questioned by members of the Sub-Committee. Questions will either be directed through the Chairman, or put directly by members with the agreement of the Chairman.

- 3.17 The Applicant may call any witnesses in support of his application, if this has been permitted by the Sub-Committee. The witnesses will address the Sub-Committee, which may then ask any question of the witnesses.
- 3.18 When the Applicant has completed the presentation of their case, the representatives of any responsible authorities who have made relevant representations address the Sub-Committee, and may be questioned by members of the Sub-Committee.
- 3.19 Witnesses may be called by the responsible authorities where permitted by the Sub-Committee. Documentary or other information produced on behalf of the responsible authority may be considered
- 3.20 Thereafter, other persons address the hearing, and they may be questioned by members of the Sub-Committee.
- 3.21 Witnesses who are permitted to be called in support of the submissions of the interested parties are then questioned by members of the Sub-Committee. Documentary or other information produced on behalf of an interested party may be considered
- 3.22 Where the Applicant is a responsible authority or an interested party the licence holder will present their case after the applicant followed by any responsible authorities and then interested parties.
- 3.23 After the conclusion of the evidence, each party may sum up their case, by addressing the sub-committee in the order in which they presented their case.
- 3.24 The Sub-Committee will either leave the hearing room to deliberate or ask all parties to leave the room.
- 3.25 Depending on the nature of the application, a determination of the case may be made either at the conclusion of the hearing or within 5 working days.
- 3.26 Where the case is determined at the end of the hearing the Chairman will read the Sub-Committee's determination aloud together with the terms of the decision made and the reasons for such decision.
- 3.27 The Chairman will thank everyone for their contributions, and closes the meeting, or moves on to the next item on the agenda.

4. After the Hearing

- 4.1 Once the meeting of the Sub-Committee has been concluded, Member Services will prepare minutes of the hearings.
- 4.2 The Licensing Officer will issue a notice to all of the parties involved (whether present at the hearing or not), outlining the decision of the Sub-Committee.