

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING SUB-COMMITTEE A** held on 14 May 2015 at 2.00 pm

Present

Councillors: R J Chesterton (Chairman)
D R Coren and D J Knowles

Also Present

Officers: Simon Newcombe (Public Health and Professional Services Manager), Simon Johnson (Legal Services Manager), Thomas Keating (Lead Licensing Officer) and Sarah Lees (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence.

2 CHAIRMAN - ELECTION

RESOLVED that Cllr R J Chesterton be elected Chairman of the Sub Committee for the meeting.

Cllr Chesterton then took the Chair.

3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR KNIGHTSHAYES, TIVERTON

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

The Members and Officers introduced themselves.

Members of the Sub Committee declared no interests in respect of the application.

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

The Lead Licensing Officer outlined the contents of the report making reference to the representation received from the Police as a Responsible Authority as well as representations received from two Other Persons, Mrs Helen Mead and Ms Frances Thomson. He stated that Mrs Helen Mead would be represented at the Hearing by her solicitor Mr Graham Gover but that Ms Thomson would not be present due to other commitments. He informed those present that a revised plan had been submitted by the Applicant which had reduced the outside area for which a licence was sought as well as a letter offering additional conditions. This had been circulated to the Members of the Sub Committee. He also stated that a site visit had taken place the previous day with all Members of the Sub Committee being present.

The Applicant, National Trust (Enterprises) Ltd, was represented by Mr Jon Payne from Horsey Lightly Fynn. He stated that the premises already had a licence for part of the estate but that this application sought to extend the areas to be licensed however these had been too large to be dealt with by way of a minor variation. The National Trust had decided to apply for a full licence as they had done for approximately 250 of their properties but it was not the intention to hold major events, such as large scale concerts, at this site. Seeking a fuller licence would enable the Trust to have greater flexibility when organising smaller events and the example of being able to erect a Pimm's or Champagne marquee was given. A list of forthcoming events was circulated to those present which was described as providing a flavour of the type of events the Trust would like to hold in the future.

The Events Manager for Knightshayes, Ms Alice Morgan Brown, stated that the events in the brochure were centred around the school holidays and were designed to attract local families as well as holiday makers. She also made reference to a community theatre production and family workshop but stated that numbers would be limited due to available space and a duty of care. It was stated that it was not the intention to hold large scale 'pop concerts' as given any such event would need to be sited near to the visitor facilities the available amount of space around these would naturally limit the size of any event. The Sub Committee questioned why the Trust was seeking a new licence when the existing licence would allow them to hold the events in the brochure? Mr Payne responded by saying that the new licence would provide more flexibility, for example to serve alcohol at the advertised events. Again, he stated that it was not the Trusts intention to carry out the intrusive events that had been described by the objectors.

Discussion took place regarding the layout of the site and it was confirmed that the boundary shown within the revised plan coincided with the land currently within the ownership of the Trust. This included areas of woodland which although would not be suitable for the described events would provide a buffer preventing noise nuisance.

Further discussion also took place regarding the amount of noise monitoring that had taken place at last years 'Soup Stock' events. There had been an Events Management Plan but this had not made specific reference to noise monitoring. However, it was confirmed that although there were no monitoring points on site the Trust did have a qualified sound engineer and that General Manager also lived on site and would be aware of any issues. There had not been any complaints about noise following the events last summer. However, the Sub Committee did feel that more could be done to monitor noise levels in the future for events with the potential of attracting large numbers of people.

Mr Graham Gover, speaking on behalf of Mrs Helen Mead, one of the Other Persons, was then invited to make his representation. He stated that his client had no wish to see the licence application refused, indeed she had been a lifelong member of the National Trust and supported its values. However, people's need for peace and quiet needed to be observed. His client did not have an issue with any of the events planned for indoors but strongly wished to safeguard the distance between any event site and her property. This needed to be controlled and managed at source. He explained that a dialogue had been sought with Mr Payne but neither he or his client had been informed about a revised site plan or had been given a copy of the events brochure circulated today. It was suggested that the Sub Committee consider the control of licenced hours, the control of noise at the source or the monitoring of noise

at his clients premises. He referred to a list of suggested conditions in a letter to the Licensing Authority. He also stated that he would like to be consulted in the drawing up of any Event Management Plan.

The Sub Committee then sought advice from the Public Health and Professional Services Manager regarding noise monitoring at the site. It was confirmed that no background noise monitoring had been undertaken but had this been requested a full assessment would have been conducted. As it was, Environmental Health, as a Responsible Authority, had not stipulated that noise monitoring be a condition on the licence.

In summing up, the Applicant's representative stated that a fundamental point had been made about neighbouring properties not being disturbed. That was why the Trust had offered the condition of providing a telephone number for people to call should issues arise. This in their view was a much better solution than extensive monitoring for things which may not exist. There may be occasions when monitoring would be required but this would be dealt with in the Event Management Plan. He made the point again that Environmental Health had not made a representation regarding noise. Finally, he stated that the National Trust was keen to maintain good relations with neighbouring properties and that if there were any problems it would like to know about them.

Mr Gover summed up by stating that the correct way to deal with potential noise problems was to prevent them in the first place. The conditions they had suggested were not onerous or unreasonable. Prior dialogue was needed between all interested parties as well as proper planning.

The Sub Committee withdrew to consider their decision.

RESOLVED that the licence be granted as applied for subject to the following conditions:

- i. For licensable events that will or are likely to attract over 1000 people an Event Management Plan must be submitted to the Licensing Authority at least 8 calendar weeks before the proposed event start date. This must include consideration of how noise nuisance issues will be managed.
- ii. That a manned telephone number be provided for local residents to call should there be any cause for concern over a licensable activity that is taking place.
- iii. Notice of the intent to hold licensable events that will or are likely to attract over 1999 people be sent to Devon and Cornwall Police Licensing Department at least 8 calendar weeks before the proposed event start date.

Reasons:

The Sub Committee reached their decision having heard the evidence and having heard from the Legal advisors for the Licence Holder and one of the Other Persons regarding a number of issues. Overall there was a need to make the conditions appropriate, reasonable and enforceable. In reaching their decision the Sub Committee also felt that there was a need to protect the following Licensing Objectives:

- Public Safety
- Prevention of Crime and Disorder
- Prevention of Public Nuisance

(Proposed by the Chairman)

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

(The meeting ended at 4.10 pm)

CHAIRMAN