

TORRIDGE DISTRICT COUNCILLICENSING SUB-COMMITTEE MEETINGCaddstown Business Support Centre, Clovelly Road, BidefordTuesday, 29 June 2021 - 2.00 pm

PRESENT Councillor J McKenzie (Chair)
Councillors M Clarke and P Hackett

ALSO PRESENT Councillors J Gubb

D Hunter	- Legal Services Manager
C Parkhouse	- Lead Licensing Officer
J Williams	- Public Health & Housing Manager
M Millichope	- Environmental Protection Officer
T Vanstone	- Senior Electoral & Democratic Services Officer
K Brown	- Democratic Services Officer

APPLICANT Mr Rick Turner

OBJECTORS Mr Christian Cooper
Ms Sandra Cooper
Mr Keith Funnel
Mr Alan Harding
Mr Paul Hogan
Mr Harvey Phillips

The Chair welcomed everyone to the meeting.

5. THE BIG SHEEP - VARIATION APPLICATION

LICENSING ACT 2003 – APPLICATION FOR A VARIATION TO PREMISES LICENCE – THE BIG SHEEP, ABBOTSHAM.

The Chair opened the meeting, introducing the Licensing Sub-committee Members and Torrington District Council staff present. He advised that the hearing had been convened to consider an application for a variation to premises licence – The Big Sheep, Abbotsham, Bideford.

The Councillors present declared that they had no personal or pecuniary interest in the application.

The Chair asked the applicant and the objectors to identify themselves.

The procedure for the hearing was explained and the Lead Licensing Officer was invited to present his report.

The Lead Licensing Officer presented the report in detail and advised that four further submissions to the application had been received, two in support and two objecting. The applicant and objectors were asked if they had any reservations to the additional submissions being included in the application to which there were no objections.

A map of the area had been provided to the panel for location and proximity.

The Noise Management Plan supplement had been circulated to the panel prior to the meeting.

20 objections had been received.

The Committee was guided to consider whether:

- To grant the application as submitted
- To modify timings and/or the conditions of the licence to the extent necessary to promote the licensing objectives.
- To reject all or part of the application.

The Chair thanked the Lead Licensing Officer for his report. There were no questions for the Lead Licensing Officer.

The applicant was invited to make his submission.

The applicant elaborated how over the last 12 months he had received advice and support from other local businesses to be able to host events, had worked with schools and churches and that the Big Sheep were the first in the country to provide a COVID safe concert. He advised how he had been working with the locals regarding the noise levels and is willing to continue that work. Acoustics Consultants had been employed to check that noise levels are within the guidelines.

In response to queries from the panel the applicant advised the following:

- Events had never run until 10pm and even though this is in the application the intention would be to finish earlier.
- He had dealt with complaints and queries from residents. He is open for people to contact him direct, any time, having given out his personal details.
- He had walked around the nearby housing estates to meet people to address any concerns.
- Takes it personally as it is in his interest to work with residents as these are his customers as well.
- Measures he had gone to dampen the noise.
- If noise levels are still too high this can be looked at going forward as it is not his intention to disturb people.
- He is working within the guidelines.

The objectors were invited to ask the applicant questions.

Responding to the objectors' questions Mr Turner advised he had not been repeatedly asked to reduce the noise levels, levels will be within the guidelines and after this year approximately 12 events will be held annually.

The Chair invited objectors to make their representations.

Mr Funnel, resident of College Park, read aloud his letter of objection that had been sent to the Lead Licensing Officer stating he opposed the application to vary the licence. He added that due to COVID-19 during 2020 he had been lenient towards the events however over time they have become intolerable with double glazing and increased volume on the TV not drowning out the noise. Mr Funnel mentioned he had contacted Mr Turner enquiring about future intentions and to reduce the noise but had not received a response. After a second attempt to correspond Mr Turner agreed a meeting however at this point the residents had decided to follow the TDC Licensing procedure. Concern was raised to the number of events already held and how many would be held going forward and with more visitors to the area the increase in parking and litter.

The Lead Licensing clarified that under the Live Music Act 2012 the three test events were allowed and why they were needed.

The Environmental Protection Officer confirmed that noise monitoring had compiled with the Noise Management Plan and the Code of Practice.

The Public Health & Housing Manager supported and elaborated on what the Lead Licensing Officer and Environmental Protection Officer had confirmed.

Mr Hogan, resident of College Park, addressed the panel explaining how the noise level is an intrusion to his and his families lives. He also spoke on behalf of his neighbour detailing the health implications the noise levels have had on her and the mental health of other residents. Previously Mr Hogan had an annual visitor's ticket to The Big Sheep which he had now cancelled and confirmed he had never met Mr Turner.

The Legal Services Manager advised Mr Hogan to keep his objection relevant.

The Lead Licensing Officer confirmed that no complaints on littering or anti-social behaviour had been received by the Licensing Team.

The Environmental Protection Officer left the meeting at 3.15pm.

Mr Harding, resident of College Park, advised the panel he had had contact with the applicant to discuss issues however none had been addressed. He stated that his concerns were the same as the previous objectors however had been minded not to repeat.

The Lead Licensing Officer advised the group that 11pm is deemed an acceptable time to finish however within this application 9.30pm had been determined as an appropriate end time for an event to enable time clear up and be finished by 10pm.

Mr Cooper, resident of Lower Winsford Bed & Breakfast, spoke on behalf of his mother, Ms Cooper and the business. Mr Cooper advised that Lower Winsford Bed & Breakfast is only 0.2 miles away from The Big Sheep and no testing had been carried out at their property. The business is advertised as a quiet and tranquil location however this is disrupted if an event is hosted.

The Public Health & Housing Manager advised testing could be carried out at Winsford Bed & Breakfast.

In response to queries, the Lead Licensing Officer advised of other events that take place locally and explained the differences. It is not normal practice to compare with other Local Authorities across the country.

The Public Health & Housing Manager confirmed that the standard by which the noise assessment is conducted is used Nationally. Clarification was given on how noise levels are governed within the Code of Practice for single day and 3-day events and how they differ.

Mr Phillips, resident and owner of Moreton House Devon Ltd, spoke to the panel firstly on a personal level and how the noise impacts on the lives of him and his family. Secondly, he spoke from the business point of view and while he is understanding to the impact COVID-19 has had, he highlighted ongoing issues for his business moving forward if events were to continue as they are.

The applicant was invited to respond to the objectors. Mr Turner expressed his sympathy to those concerned but said that he had not been contacted direct and if he had then issues could be addressed. He expressed how some residents enjoy listening to the events from their gardens however he understands there needs to be a balance. He re-iterated how he is willing to work with the residents, that he is operating within the guidelines and takes responsibility.

Responding to an additional query from the panel Mr Turner explained that the intention is to end events at 9pm and the measures he has gone to re-direct noise.

At 3.56pm the Sub-Committee retired to consider the application.

At 4.45pm the Sub-Committee returned.

The panel carefully considered the application and the written and oral evidence of all parties presented at the hearing.

The panel believed that the relevant licensing objective identified in the representations that had been received was the prevention of public nuisance.

The panel's deliberations focussed on the steps they believed were appropriate for the promotion of that objective.

The panel had regard to the Guidance issued by the Home Office under s.182 of the Act and to the Councils Statement of Licensing Policy.

The panel considered the needs of all parties. The applicant is looking to recover from the covid pandemic and to support other venues by providing events on their behalf as they have been unable to operate due to the covid restrictions. However, the panel were also mindful that the residents have a right not to be unduly disturbed by the events taking place on the site.

The main areas of concern to the panel were finish time, frequency and number of events and noise levels. The panel decided that a 10pm finish was reasonable. They were mindful that this year is an exceptional year but going forward they did not consider it would be reasonable to hold as many events in the future. The panel decided it would be reasonable to impose a noise limit in line with the Code of Practice.

It was proposed by Councillor McKenzie, seconded by Councillor Hackett and – Resolved:

That the Licensing sub-Committee determine the application to vary the premises licence for The Big Sheep having regard to the information provided in the report, guidance issued by the Home Office under s.182 of the Act, the Council's Statement of Licensing Policy and the evidence presented during the hearing.

The panel decided to grant the licence with the following additional conditions.

- *The Music Noise Level shall not exceed the background noise level by more than 15dB(A) over a 15 minute period at receptor locations.*
- *No more than 23 days of "music events" shall take place during the calendar year 2021.*
- *No more than 12 days of "music events" shall take place during the calendar year 2022 onwards.*

(Vote: Unanimous)

Right of Appeal

There is a right of appeal to the Magistrates Court within 21 days from the date of receiving this decision notice.

The meeting commenced at 2pm and closed at 4:47pm.