

TORRIDGE DISTRICT COUNCIL

LICENSING HEARING

Town Hall, Bideford.

7 February 2018 at 10.00 am

PRESENT

Licensing Sub-Committee: Councillor P Christie (Chair)
Councillor A Eastman
Councillor K James

C Parkhouse – Lead Licensing Officer
S Dorey – Solicitor
A Miles – Legal Assistant
M Richards - Democratic Services Officer

Applicant: Rob Braddick - The Licence Holder

Applicant Witness: Steve Hancock – Event Manager for the Licence
Holder

Objectors: Phillip Hodson, Hollins, Nelson Road, Westward Ho!
EX39 1LQ

Also present: Councillor T Inch

The Chair opened the meeting, introducing the Licensing Sub-committee Members and Torrridge District Council staff present. He advised that the hearing had been convened to consider an application for a premises licence, under s.17 of the Licensing Act 2003, for the Waterfront Inn, Westward Ho!

The Councillors present declared that they had no personal or pecuniary interest in the application although both the Chair and Councillor Eastman stated that they knew the applicant.

The Chair asked the applicant, his witness and the objector 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 advised that no representations had been received from the responsible authorities but 3 representations against and 11 representations in support of the application had been received.

The Lead Licensing Officer explained that the licence holder held a premises licence following a hearing in 2005 and he gave details of the activities and licensed hours. The new application was primarily to include 2 music events over the Whitsun and August Bank Holiday weekends. The main changes were to non-standard timings in respect of the provision of music and alcohol. The events were currently held under a temporary events notice and numbers were restricted to 500.

It was noted that the key concerns centred on the licensing objective of prevention of public nuisance. The objectors were concerned about the potential for noise from music played at the premises and disturbance from guests leaving the car park when the premises closed.

There was also some concern relating to potential crime and disorder.

The Lead Licensing Officer concluded that, when deciding whether this application should be granted, the Sub-Committee should bear in mind that it was essentially making a judgement about risk. If, having regard to all the evidence, the sub-Committee believed that there were no or minimal risk to the promotion of the licensing objectives, then the application should be granted on the terms applied for. If the sub-Committee believed that there were risks which undermined the objectives, then it should seek to mitigate those risks – either by modifying the application or – in the case of serious and significant risk - by outright refusal of the application.

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 licence holder gave an overview of the properties owned and the number of staff employed. Bradfest was a free music event which had been running for 7 years, during which 14 events had been staged. The event had been immensely popular and the intention was to increase numbers to 1000. The changes to non-standard timings related to 4 days a year. The licence holder's witness, Mr Hancock, delivered some finer detail in respect of arrangements made with Stagecoach and confirmed that there was no charge on the gate, nor were bar prices increased for the events. Furthermore, there were no objections from the police and there had been a lot of support on social media.

The applicant responded to the panel's questions as follows:

- He confirmed that the application related to 2 events, consisting of 2 days each, a total of 4 days a year.
- Extra staff would be brought in to address the increased demand

- The licence covered 250 people inside the building and 250 outside and there had been no objection from the police regarding the proposed increase in numbers
- Stagecoach had confirmed that they would put on extra busses but the Event Manager was to firm up on this approximately one month before the event
- The desire to increase numbers was in response to demand. Mr Hancock confirmed that there was only once entrance gate and people were counted on entry and security checks were also carried out

The Chair invited the objector to make his representation.

Before commencing, Mr Hodson received confirmation from Mr Hancock that a full risk assessment had been carried out and numbers were agreed by the Fire Brigade. Mr Hodson asked who was responsible for security and he wondered what would happen if, for example a gang of people was refused entry because the event was already full. Mr Hancock replied that the licence holder was responsible for crowd control within the site, anything outside fell under the remit of the police.

Mr Hodson informed the Committee that he and his wife had a lot of respect for Mr Braddick and what he did for the community and that they had been satisfied customers at his establishments. The downsides of the music events were:

- The ebb and flow of customers – it was unlikely people would stay for the whole 10 hours
- Staff – how long would they be exposed to loud music; would there be appropriate financial reward?
- As local residents, the objectors did not get the choice to listen; they had to put up with it for 10 hours.
- There had been insufficient consultation

Mr Hodson recognised the need to co-operate with the Waterfront but co-existence was a 2-way thing and he hoped Mr Braddick might see fit to compromise and close the event at 20.30.

The results of investigation into noise levels were put forward, notably, a rock band generated approximately 120dB, compared to normal noise at 70dB. As the evening progressed noise levels would inevitably augment due to a combination of attendance numbers increasing and people becoming generally louder, under the influence of alcohol.

Mr Hodson requested that conditions be added to the licence to include:

- The playing of live music to be restricted to no more than 2 days.
- Music outside to cease at 20.30.
- The management plan should also incorporate noise control procedures, signed off by the Council's Environmental Health Officer.

Questions raised by the panel were answered as follows:

- Mr Hodson stated he had learned about the application via social media, although his understanding was that the consultation period had commenced on 1 December, with the first notice being put up outside the Waterfront the week before Christmas. On 29 December Mr Hodson had written to TDC and the period of consultation had been extended to 12 January. Mr Hodson added that in Cornwall residents living in the direct vicinity of a premises applying for a licence were written to individually. The Lead Licensing Officer confirmed that the consultation had met all of the requirements of the Licensing Act and a notice had been put on TDC's website. The practice of writing to individual residents went beyond the requirements of the Act and it was not something TDC had undertaken.
- The Environmental Health Officer only attended events if complaints were raised. However, the Environmental Health Team was consulted on all applications. They will have sight of the event management plan 28 days before the event.

Mr Braddick offered, as a compromise, to turn the music off at 22.45, allowing 15 minutes to get to the buses.

The Sub-Committee then retired to consider its decision.

On return, the Chair stated that the sub Committee had given careful consideration to the application, the concerns raised in the representations and the evidence presented at the hearing. The Chair announced that the sub-Committee was minded to grant the application with the following conditions:

1. Numbers quoted in the evidence presented - It was noted that the police and fire brigade had no objections to the numbers quoted.
2. The music to be turned off at 22.45
3. In order to address the eventuality of people being turned away at the entrance and to provide a visual record to assist the police, a CCTV camera be installed on the entrance gate.

The Lead Licensing Officer informed all parties to the hearing that they had the right to appeal the sub-Committee's decision. An appeal must be made to the Magistrates Court within 21 days of the date of notification of the decision.

If there were any complaints after the event these should be brought to TDC, who would work with the applicant and could amend the event management plan.

The Chair thanked all those present and closed the hearing.

The hearing concluded at 10.50 am.

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Councillor A Eastman
Councillor K James

C Parkhouse – Lead Licensing Officer
S Dorey – Solicitor
A Miles – Legal Assistant
M Richards - Democratic Services Officer

Applicant: Mr M Singer

Objectors: Mrs P Haddrell, Meadows Reach, Church Lane,
Littleham, EX39 5HW
Mr C Phillips – Parish Councillor, Littleham and
Landcross – Wood Cottage, Landcross

Also present: Councillor T Inch

Mr B Haddrell

The Chair opened the meeting, introducing the Licensing Sub-committee Members and Torrridge District Council staff present. He advised that the hearing had been convened to consider an application for a premises licence, under s.17 of the Licensing Act 2003, for The Beacon, Beaconside, Monkleigh.

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 information relating to the new building, The Beacon, and the proposed licensing permissions being applied for. The purpose of the new building was to host weddings, providing food, alcohol and music for a maximum capacity of 200 persons. The site has previously been used to host weddings in a

marquee with licensing permissions obtained through the use of Temporary Event Notices.

The Lead Licensing Officer advised that no representations had been received from the responsible authorities but there had been 12 letters of objection. In response to the objections received, the applicant had put forward the following amendments to the application.

- Removal of outdoor music from the licence
- The inclusion of the following conditions:
 - All external doors and windows shall be kept shut at all times during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.
 - Staff will monitor noise levels in the immediate vicinity of the premises after 23:00 to ensure noise levels do not cause a disturbance to nearby residents.

The applicant also provided a letter to the objectors to provide an overview of his business objectives.

Three of the representations had been withdrawn following the amendments.

The Lead Licensing reminded the panel of the 4 licensing objectives. The objectors raised concerns with regard to the prevention of public nuisance – the potential noise from music played and disturbance from guests leaving the premises - and the possibility of crime and disorder.

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 and sought clarification regarding the monitoring of noise levels by staff. The Lead Licensing officer believed that members of staff would monitor noise levels after 23.00 by stepping outside of the building and checking for general noise break out. No specific noise level monitoring devices would be used.

The applicant was invited to make his submission.

The applicant read out the letter he had sent to the objectors. It was noted that none of the objectors had taken up the invitation to visit the premises and since the premises had been hosting weddings, only one official complaint had been received. Measures

had been taken when the complaint was received in 2014 to reduce noise and no further complaints had been received. Mr Singer added that the highest quality, scientifically proven, sound insulation had been installed in the new building.

The Lead Licensing Officer confirmed the information regarding complaints.

The Chair invited the objectors to make their representations.

Before commencing, Mrs Haddrell, asked for clarification on the type of functions proposed. Mr Singer confirmed the events would be weddings and private functions only and all bookings were vetted.

Mr Phillips raised a concern in respect of fireworks and livestock. Mr Singer responded that he would be using no noise fireworks supplied by a local pyrotechnics company and he had video footage he was happy to forward.

The Chair asked whether no noise fireworks could be a condition of the licence. The Lead Licensing stated that noise restrictions were often added but it was unusual for this to relate to fireworks. However, on this occasion it had been volunteered by the applicant. Further discussion took place on fireworks and Mr Singer assured the panel and objectors that he would make a point of aiming the fireworks over the woodland he owned.

Mrs Haddrell put forward her representations which centred on noise nuisance. She acknowledged that there would be no outdoor music but pointed out that the building stood on the perimeter of the site and close to an open valley. In the past, announcements made over the PA system could be heard in her home. She asked the Sub-committee to consider placing a limit on the amount of music allowed, not just from 23.00 but also during the day. A further consideration would be the planting of a conifer/evergreen hedge adjacent to the new building to help buffer the sound. There were concerns about:

- The protection of animals from harm as a lot of animals grazed in the area.
- The 01.00 hours finish was not acceptable – 22.30 would be preferred and would allow for revellers to leave by midnight.
- It was inevitable that people would drift in and out of the building to enjoy the grounds. So, having doors and windows closed would be ineffective.
- Measures should be taken to reduce outside noise by people using the pool and grounds and partying outside of the hours of the licence.

The applicant declared he was more than happy to plant the hedge as suggested.

Mr Phillips' representations were received. His concerns were about noise nuisance as well but also about public safety, increased traffic and animal welfare, particularly during the lambing season. He felt the proposed restrictions should be harder in respect of people capacity and number of events a year. Furthermore, he had reservations about security and quoted SIA recommendations. He also sought to have a condition added about noise levels.

The Lead Licensing Officer confirmed that numbers were to be restricted to 200 and clarified the transfer procedure for licences.

The Sub-Committee then retired to consider its decision.

On return, the Chair stated that the sub Committee had given careful consideration to the application, the concerns raised in the representations and the evidence presented at the hearing. The Chair announced that the sub-Committee had decided to grant the licence as detailed in the application and including the amendments, specifically:

- Removal of outdoor music from the licence
- All external doors and windows shall be kept shut at all times during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.
- Staff will monitor noise levels in the immediate vicinity of the premises after 23:00 to ensure noise levels do not cause a disturbance to nearby residents.

Although the Sub-committee was unable to add a condition relating to no noise fireworks, it was acknowledged that the applicant had offered to use no noise fireworks.

The reasons the Sub-committee had agreed to grant the licence were:

- The absence of complaints.
- The Sub-committee had been impressed by efforts made by the applicant to limit noise nuisance and the Chair urged the objectors to take up the invitation to visit the premises.
- The objectors' representations seemed to be based on issues stemming from the previous use of a marque.

The Lead Licensing Officer informed all parties to the hearing that they had the right to appeal the sub-Committee's decision. An appeal must be made to the Magistrates Court within 21 days of the date of notification of the decision.

If there were any complaints after the event these should be brought to TDC, who would investigate as necessary.

The Chair thanked all those present and closed the hearing.

The hearing concluded at 11.59 am.