

APPENDIX C

MEDIATION CORRESPONDENCE

EMAIL SENT TO OBJECTORS ON BEHALF OF APPLICANT

Dear Sir/Madam

Further to your representation in respect of the Beacon, Beaconside, Monkleigh I am writing to confirm that a hearing has been arranged for 11am on Wednesday 7th February 2018 in the Town Hall, Bideford. A formal agenda will be sent to you in due course.

In accordance with licensing legislation the need for a hearing can be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations.

The applicant has agreed to some amendments to the application as a result of the objections received.

The provision of music outdoors will be removed from the licence.

All music will be provided inside the new purpose built wedding building with sound insulation. A marquee will not be used.

The following additional conditions have been proposed by the applicant:

“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 premises will be used as a wedding venue. Therefore it will be used primarily during the weekend. The applicant has applied for a 7 day licence to allow the flexibility of providing weddings on a week day but this is likely to be on an infrequent basis.

The reason for my email is to determine if you still wish your objection to be presented to the Committee on 7th February or whether following these amendments you would like to withdraw your objection. Please can you let me know by 5pm on 23rd January 2018.

If you wish to clarify any information please contact me and I will be happy to discuss further.

Regards
Chris

LETTER SENT TO OBJECTORS ON BEHALF OF THE APPLICANT

BEACONSIDE HOUSE
MONKLEIGH
BIDEFORD
NORTH DEVON
EX395JL
24TH JANUARY 2018
REF LAPRE1/00023/18

Dear Fellow Neighbours,

My name is Mark Singer and I'm the current owner of Beaconside House.

Please allow me to provide you with a little bit of background. 20 years ago we fell in love with North Devon and moved to Beaconside , Monkleigh in order to bring up our young family in a peaceful and beautiful environment.

20 years on I have no intention to change that.

I have worked extremely hard to develop Beaconside into a business that I am now extremely proud of , one that provides much needed local employment and brings essential investment into the area , not least mine.

All my commercial activities have been carried out in accordance with relevant laws and have always been sympathetic to the local community here in which I also live and love.

I feel there is a need for a clear explanation of my business intentions with regard to my recent license application and in particular the business objective of The Beacon.

First and foremost, any previous noise pollution emanating from Beaconside that has disturbed you in the past I am humbly apologetic for. The last thing I wish to do as a local myself is to upset my neighbours.

Any disturbances you experienced between 2014 and 2016 from Beaconside were as a result of live music being played inside a marquee.

I have now replaced the marquee with a purpose built fully insulated indoor wedding barn, complete with 150mm sound insulation for both the roof and walls and the very latest in sound proofed double glazing technology.

The level of sound insulation installed in The Beacon compared with my old marquee is immeasurable. It would be like comparing the loudest combine harvester with a qualcast lawnmower!

Our business model and mission at Beaconside is not geared towards everyday events. Beaconside is a beautiful place set in lovely grounds and surrounded by stunning countryside. As the business owner and as someone who loves this environment I have to protect that and therefore I have to allow at least 2 or 3 days between events to allow Beaconside to recover and for my dedicated staff to ensure its beauty inside and out.

The Beacon is not and will not be a pub and has no intention of trading as such.

The Beacon will only ever host private functions. 1 or 2 a week normally on Saturdays and Wednesdays. On very rare occasions three, possibly around Christmas time. I have recently confirmed to the council that no outside recorded music is allowed after 11pm. I am happy to amend that further **to no outdoor live or recorded music after 10 pm .**

Including myself we have 4 fully qualified personal licence holders. Beaconside staff will always be onsite to ensure that our license for music and alcohol is adhered to. We operate a zero tolerance for any drunk and disorderly behaviour.

Fireworks are not permitted after 10pm and have to be approved beforehand as per our terms and conditions. I am in regular contact with the local community firework coordinator as and when fireworks are to be used.

I am extremely happy to include all of the above in the license.

I do not wish for there to be any ambiguity surrounding my license application. To that end I would like to invite you to Beaconside in order that you may view The Beacon at close quarters and for us to meet and have an informal chat and to enable you to air your concerns face to face. I promise I will do all that I can to minimise disruption of any kind.

Weddings and private functions are part of Beaconside's history. Since the 1970's Beaconside has hosted over 200 weddings here, trading as Beaconside Country House Hotel.

Today I wish to enhance that wedding venue by creating an exclusive luxurious private retreat where guests from far and wide can come and enjoy and behold the beauty of North Devon and provide our local community with a landmark and venue to be proud of.

I look forward to meeting you at Beaconside .

Yours sincerely,

Mark Singer

Mr Chris Parkhouse
Lead Licensing Officer
Torriford District Council
Riverbank House
Bideford
EX39 2QG

19th January 2018

Dear Mr Parkhouse,

Thank you for your e-mail dated 18th January 2018.

The applicant's amendments to the application and his agreement to additional conditions are welcomed. In respect of the playing of amplified music indoors, I request some clarification on the content of the 2 additional conditions:-

Condition 1 - "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."

Comment - This would be the primary operational means of managing music noise generated within the building. At least half of the length of the east wall of the building facing the beer garden would have full height glazed bi-folding doors which, on a hot summer evening, would be attractive to leave open for ventilation and comfort. Bearing this in mind, the applicant would need to commit sufficient staff to effectively monitor and police the use of the openings. I hope the applicant will make this a written commitment as part of his application.

2. "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."

Comment - The condition would apply to "nearby residents" only and therefore, I guess, not to myself living at Littleham. This would probably be ok if condition 1 above is rigorously enforced.

However, in respect of nearby residents (and not for myself as a more distant one) you may wish to consider the questions below, otherwise the self enforcement of the condition could be variable:-

- (i) How would staff monitor noise levels - would this be by personal subjective judgement or by using a noise meter to ensure that an agreed benchmark noise level shall not be exceeded?
- (ii) What is meant by the phrase "in the immediate vicinity" - is this to be one or more boundaries to the licence application site or of the boundaries of the Beaconside Hotel or something else?
- (iii) What noise level would constitute "...a disturbance.." ?
- (iv) Who are the nearby residents for the purposes of the condition?

Subject to receiving satisfactory responses from the applicant there is a good possibility that I would be able to withdraw my concerns. I do not wish to frustrate business, only to seek adequate safeguards against it generating unreasonable noise.

Regards

Chris Parkhouse

From:
Sent: 20 January 2018 13:00
To: Chris Parkhouse
Cc: Parish Clerk - Littleham & Landcross1
Subject: Re: The Beacon Premises Application

Dear Sir,

Thank you for your update.

We agree with the principle that an agreement would be best for all parties being particularly mindful to use Local Authority resources responsibly.

Whilst recognising that the applicants have made some concessions we continue to hold concerns that there is still a potential risks that there may be some noise intrusion.

We do not believe that the staff should be responsible for monitoring noise in the 'immediate vicinity'. This poses two problems:

1. The staff will be compromised by business interests and shouldn't be in a position of regulation.
2. The noise may not be locally intrusive but may echo in the valley to be a problem further afield. The valley can act as an echo chamber depending on climactic conditions. They will not know the impact on Littleham residents.

We also believe it is not a practical suggestion to have all doors and windows closed. On a hot summer evening this would not be reasonable and this concession is bound to be broken.

If it is possible we suggest the following conditions:

1. Restrict the end time to 10.30 pm
2. Restrict the number of events to no more than 2 per month
3. Set clear responsibility over regulation with the local authority, not the applicants, as there is an obvious conflict of interests
4. With the above additional conditions: Grant for an initial period of 6 months before a review with all parties.

Whilst we recognise the need to support local business this should be carefully regulated and not at the expense of other people. Littleham is not an inner city or suburb, but is a quiet rural location. Many local residents are early risers and early to bed, especially those who work in the land, and do not expect any environmental noise late at night.

This lack of noise intrusion is an important reason for living in such an environment.

We reiterate that noise pollution is one of the most important preventable factor in producing both physical and mental ill health. This should take precedence over everything else.

Kind Regards

Chris Parkhouse

From:
Sent: 20 January 2018 13:43
To: Chris Parkhouse
Subject: The Beacon, Beaconside

Dear Mr Parkhouse

Thankyou for your email regarding the license application for the above.

We are pleased to see that the applicant has withdrawn the outdoor music section previously included. However we are still concerned with the length of drinking hours and the fact that music volume levels will only be monitored after 11.00pm. One can only assume that the noise will be unlimited up to that time giving the potential for 13 hours of loud music throughout the day. In my view there should be a limited volume set for any music played. Admittedly holding it in a 'sound proofed building' will help but in the summer months people will be bound to be taking the air and frequently opening windows and doors.

Furthermore, all day drinking does lead to rowdiness. There will be the cars from the guests (200?) leaving in the early hours. There is a food element included in the application until 1.001.30am. People could potentially be leaving at an even later time.

In our view this application should have a hearing to thoroughly review the type of facility it presents and the affect on the surrounding residents.

Chris Parkhouse

From:
Sent: 20 January 2018 13:56
To: Chris Parkhouse
Subject: Re: The Beacon Premises Application

Thank you for your email re LAPRE/00023/18.

I am pleased to see that the applicant has made some changes & conditions.

I do not have a problem with him for the inside license that he want's. He seems to have sorted out the outside problems.

The one thing that still concerns me, is that he has said nothing about the fireworks he lets off at the end of the evenings.

I am quite happy for him to have his indoor licence, as long as he guarantees that there will be no more fireworks.

Yours faithfully

Chris Parkhouse

From: [REDACTED]
Sent: 20 January 2018 15:04
To: Chris Parkhouse
Subject: Re: The Beacon Premises Application

Dear Mr Parkhouse,

Beaconside Application

The revisions asked for are welcome but could you please clarify :-

- 1.) Is it the legal responsibility of the License Holder to ensure compliance with the conditions of issue?
- 2.) Whether this Application applies totally to Beaconside and /or The Beacon?
- 3.) Whether the conditions you agree to impose cover those two venues.
- 4.) Also it would be a hope that the Music could be stopped at Midnight. If The Applicant can give OK answers then certainly we would not want to worry you in extra paperwork

Subject to those four points we would not object. But we would be glad to hear from you first.

Further to our telephone conversation. The parish council are generally happy with the amendments made to the application however they still have a few concerns and suggestions that could be included in the license.

Firstly they feel given its rural location its hours should be the same as Ocean Kave and not licensed premises in town.

Comments from parish councilors include

The building has planning permission (1229/2016/FUL) as a 'single storey function room'. It does not indicate any limitation as to the type of function that may be held there.

Mr Parkhouse's email makes the following statement :

The premises will be used as a wedding venue. Therefore it will be used primarily during the weekend. The applicant has applied for a 7 day licence to allow the flexibility of providing weddings on a week day but this is likely to be on an infrequent basis.

Is this clause to be included in the licence conditions ? He does not actually say so !!

Looking carefully at his email -- (as one must!!) -- that paragraph is NOT included in the quotation marks that denote the suggested conditions - - so it is just Mr Parkhouse's interpretation of the applicant's intentions and could be altered at will.

He can (I believe) make it a condition that the licence only permits weddings (or at most 'private functions') and does not equate to a public house or a 'Woodstock', and there can be a limit to the number of guests allowed. (At present it says 200.)

I have seen such conditions applied in the case of Kathy Murdoch's "Ocean Kave" wedding enterprise on top of Kipling Tors, Cornborough Road,(LAPRE2/0025/17) although there the restrictions are continually ignored to the distress of local residents. The hours there are 11:00am to 11:30pm daily.

Another parish councilor commented - I now think we need to see much tighter regs applied before we withdraw our objections. In particular ask for it to be restricted to private functions such as weddings.

I am equally concerned that they will only be monitoring the sound after 11pm. I would be happier with a 65db limit at the boundry of the property.

Pat raises good point that a drunken party in those grounds will be difficult to control. Perhaps a requirement for SIA qualified doormen to manage those on the property adhere to the license?

Bottom line, they have applied for the equivalent licence to a centre of town pub. Minimum measures should be equal to those, if not more stringent for noise given the surrounding area.

Kind regards

From:
Sent: 22 January 2018 18:01
To: Chris Parkhouse
Subject: Re: The Beacon Premises Application

Hi Chris,

That's cleared up a lot. Personally I wouldn't object to daytime outdoor music as long as it wouldn't cause problems to anyone else, but that might be difficult to manage.

I understand the weekday events would (at least initially) be rare, but I'm still concerned that the application could be more specific. Is it possible to condition the application to allow weddings only? There's no tangible assurance that the current activities won't be expanded without review, and the condition might provide an additional safeguard against any ambiguity with no adverse business effects.

regards

From:
Sent: 28 January 2018 21:07
To: Chris Parkhouse
Subject: Re: Notice of Hearing - The Beacon

Dear Mr Parkhouse,

We are unable to attend as have Work commitments, but would like our written submissions presented.

Whilst we recognise that the applicant is wanting to develop his business, the wider effects on the local community cannot be overestimated.

Noise pollution is a preventable factor in both physical and mental ill health (ref World Health Organisation). It is doubtful that the proprietor was aware of the impact of previous events on communities locally.

We recognise that the applicant has gone some way to proposing minimising the impact however we want an absolute assurance that regular events will not cause disruption to the local quiet rural life.

The applicant has directed us to legislation that implies there is little control over this if he holds a licence for selling alcohol. If this is the case we would ask this licence is reviewed also.

We believe that many local people are not even aware of this application. Although the requirements of legislation (by placing a notice in the Bideford Gazette, which no one locally receives) may have been met we do not believe this is in the spirit of the law.

We believe the Council have a responsibility to protect local residents from potential harm and that includes noise pollution.

Regards,