

Agenda Item

REPORT OF LEAD LICENSING OFFICER
To: LICENSING SUB-COMMITTEE
Subject: LICENSING ACT 2003 – APPLICATION FOR A VARIATION TO PREMISES LICENCE – THE BIG SHEEP, ABBOTSHAM
Date: 29th June 2021 **Reference:** TDPR0150

ADDENDUM TO REPORT

PURPOSE OF REPORT:

To provide the sub-Committee with information relating to an application for a variation to the premises licence for The Big Sheep, Abbotsham to enable the sub-Committee to determine the application.

1. INTRODUCTION

This addendum provides the following additional information for the Sub-Committee

- Noise monitoring data and Noise Management Plan from Soundguard Acoustics Ltd – Addendum Appendix A.
- Noise monitoring data from Torridge District Council – Addendum Appendix B.
- Noise monitoring forms from Objectors – Addendum Appendix C.

The following abbreviations are used in this addendum:

- TDC – Torridge District Council
- CoP – The Code of Practice on Environmental Noise Control at Concerts – The Noise Council
- NMP – Noise Management Plan

2. CONSIDERATION OF THE NOISE MANGEMENT PLAN

The key points for consideration are as follows:

- The NMP is detailed and recommends appropriate measures for the event organiser to undertake during an event in terms of noise.
- The NMP provides a background level of 39dB which has been measured in accordance with the CoP and, based on TDC monitoring and measurements, the reported background level appears to be reasonable.
- The NMP does not provide an actual noise limit. However, if the CoP is applied, the event can exceed the background noise by up to 15dB. Therefore, with the 39dB background level, events can produce noise up to 54dB at off site receptor locations. The noise measurements undertaken by the noise consultant and TDC were similar and appear to indicate that events could occur without an exceedance of the 54dB limit.

- Although the events have been operated in accordance with the CoP the noise monitoring data and forms provided by the objectors show that music is still audible and liable to cause disturbance to residents.
- The NMP mentions a limit on events in future years, citing the Covid pandemic and support for businesses as the reason for the number of events in 2021, but does not specify a number moving forward.

The CoP provides a limit of 12 concert days per calendar year. The NMP identifies 23 days of events during 2021. The Committee will need to weigh the needs of both parties. The business 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 in place. However, the Committee must also consider the rights of the residents not to be disturbed by the events taking place.

It may be appropriate in this case to consider 2021 as an exceptional year and the Committee may be minded to allow a greater number of events this year and to reduce the number of events going forward.

The CoP states *“For those venues where more than three events per calendar year are expected, the frequency and scheduling of the events will affect the level of disturbance.”*

The Committee should also consider the frequency and scheduling of events. The current calendar of events provides events every weekend, in some cases these events are 2 or 3 day duration, throughout the summer period.

- It is important to differentiate between the different events held on the site. This is identified in the NMP and it is reasonable to limit restrictions to “live amplified music events” only. This will allow unrestricted use by church groups, local schools, theatre performance and “sheep shows” conducted as part of the theme park nature of the venue.

3. CONCLUSIONS

Under s.35(4) of the Act, when determining this application, the sub-Committee must – having regard to the information received - take such steps as it considers appropriate to promote the licensing objectives. The options are:

- 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. The Committee may wish to consider the list of possible conditions provided in Addendum Appendix D.
- To reject all or part of the application.

4. RECOMMENDATION

It is recommended that:

The Licensing sub-Committee determine the application to vary the premises licence for The Big Sheep having regard to the information provided in this 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.