

# Public Document Pack

## MINUTES

### LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

16 JUNE 2020

**Present:**

**Councillors:** Allen  
Bhinder (Chairman)  
Rogers

**Officers:**

Nathan March	Licensing Team Leader
Sally Mcdonald	Lead Licensing Officer
Usman Mohammed	Barrister
Katie Mogan	Corporate and Democratic Support Lead Officer
Trudi Angel	Corporate and Democratic Support Officer (Minutes)

**Other persons present:**

Faye Messenger	Applicant – Woodland Weddings
Chris Hurst	Three Spires Acoustics (on behalf of applicant)
Alun Thomas	Solicitor – Thomas and Thomas Partners LLP (on behalf of objectors)
Kate Hampton	Local Resident/Objector
Nigel Purse	Local Resident/Objector
Richard Vivian	Big Sky Acoustics (on behalf of objectors)

The meeting began at 2.20 pm

**1** **MINUTES**

The minutes of the meeting held on 19 December 2019 were confirmed by the members present and will be signed by the Chairman at the next available opportunity.

**2** **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**3** **DECLARATIONS OF INTEREST**

There were no declarations of interests.

**4** **PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003**

The Sub-Committee were required to consider an application for a premises licence for the following premises:

Woodland Weddings  
Lila's Wood  
Wick Road  
Hastoe  
Nr Tring  
Hertfordshire

The Chairman introduced himself, the members on the Sub-Committee and the officers present.

N March confirmed that the relevant requirements of the applicant have been met.

The Chairman asked N March if he had anything to add to the report.

N March advised that the application was for the provision of music, alcohol, and late night refreshment. This is for the provision of wedding celebrations, and such events have previously taken place under the authorisation of Temporary Event Notices (TENS).

Nine representations have been received to the application, all objecting. No representations were received from the responsible authorities.

Attempts were made by the applicant and a couple of the objectors to mediate, but these communications did not ultimately lead to any agreement or withdrawal of the objections.

### **Validity of Objections**

Whilst all of the objections that are included in the report are valid due to some of their content, many aspects cannot be taken into consideration by the committee as they are not relevant to this licence application.

The promotion of the four licensing objectives is the key consideration when determining an application, together with any issues being specifically relevant to that application, there being evidence to support any decision, and any issue not being regulated by other legislation. It is probably of benefit of all parties, the Licensing objectives are:

Prevention of Public Nuisance, Protection of Children from Harm, Prevention of Crime and Disorder, and Public Safety.

Common themes that have been reported in objections are as follows:

- **Concerns about traffic – often issues with Taxis struggling to find the venue**

Traffic is not generally a valid consideration for licensing applications, and that is the case with this application. This is more suitable for the planning process. The specific issue of hired companies struggling to find the premises

is an issue of responsibility of those companies providing that service, and their behaviours referred to such as parking in private driveways etc. would be a cause for complaint to the relevant company. It is also notable that the applicant has taken steps to mitigate these issues.

- **Planning concerns and that this application is for a premises in an area of natural beauty**

The fact that the application is for an area of natural beauty is not a relevant consideration for licensing, and would be considered as part of any planning requirements. It has been highlighted that there is an outstanding planning issue, but that has to be dealt with via the planning regime and not through licensing. The mentions of Hotels and golf courses previously refused by Dacorum will also have been through the planning process, not licensing.

- **Use of fire pits**

As fire safety is a matter for the Fire Regulatory Reform Order 2005, any concerns in regards to the safety of these are the responsibility of the company, with the Fire authority being responsible for any regulation and enforcement, so it is inappropriate for these to be conditioned via this licensing process.

- **Regulated Entertainment in relation to this application**

As a result of the Live Music Act and other deregulation The Legislative Reform (Entertainment Licensing) Order 2014, there are often times when music and other entertainment that would normally be considered to be regulated is not.

Since submitting the application, the applicant has advised that the number of people attending events will not exceed 200. Therefore, in regards to this application, it is the case that any such entertainment taking place up until 11pm would not be regulated. This is due to the alcohol being applied for on the licence. With this being the case, any aspect of the operating schedule that has been submitted as part of the application in regards to regulated entertainment would not have any effect as conditions at the time the licence is granted. For these to have effect, the licence would have to be called for review, with the outcome being that the Committee reviewing the licence makes the decision that the entertainment become regulated, and therefore existing conditions and any new conditions to have effect. Whilst this will no doubt sound a bizarre situation to many, this is the approach that must be taken with these activities as the legislation is written.

## **History**

As touched on at the start of this summary, the venue has been used for similar events in previous years, but by the use of Temporary Event Notices. Some objectors have mentioned this, and that there have been problems caused by those events. The benefit of a premises licence in regards to

regulating events in contrast to the use of Temporary Event Notices is that it is that any conditions on the licence must be complied with by the licensee.

Once the committee has heard the submissions from all parties, it may decide that the operating schedule proposed by the applicant is sufficient to ensure effective promotion of the Licensing Objectives, may wish to add additional conditions, or may determine that the proposed use of the premises would be inconsistent with the promotion of the objectives, and therefore may choose to refuse the application.

### **Relevant concerns in objections**

Whilst many of the concerns raised within objections are not relevant, concerns raised about nuisance caused by any attendees at the event, whether this be due to alcohol, or general noise caused by them will be a relevant consideration in determining the application.

N March said that concluded his summary of the report and he was happy to take any questions the members may have.

There were no questions from members.

The Chairman invited the Applicant to make representations to the committee.

The Applicant, Faye Messenger, read the following statement:

“Woodland Weddings have made a premises licence application to negate the need to apply for TENS. The business standardly applies for 14-15 TENS per calendar year. The hours of operation are 13:00 - 01:00, and set up/ take down of the site is expected to take up to 1 days prior, and 1 day after the stated event date. Our policies state that no more than 200 people will be in attendance, although typically no more than 100 frequent the average event. We expect no more than 40 cars to arrive and leave site throughout the day. Peak travel times are normally between the hours of 12:00 and 14:00, and 21:00 – 00:00.

We note the objections from a group of residents in the hamlet of Hastoe and we have been open to mediation with them to address their concerns. From the inception of our business we have freely advertised our contact details and our willingness to engage in conversation, but unfortunately the residents have never wanted to speak to us directly. It is far more productive to speak openly, and I have welcomed the opportunity this application has presented to engage in mediation. During this process only two parties agreed to mediation. The first party, Mr Humble was not being directly affected by way of nuisance and therefore mediation was not appropriate. His issue was with the principle of having a wedding in the woodland which is not relevant to this licensing hearing. We also sought to engage with Tring Parish Council on 11<sup>th</sup> May 2020 but to date we have never received a response other than to acknowledge receipt of the email.

I was disappointed that mediation with Ms Hampton was not productive. Despite this I will make my telephone number known to her so that if she experiences any disruption in the future, I can take immediate action to investigate and quell any

source of disruption. Our procedure for investigation is outlined in our Noise Management Plan.

Fundamentally we have robust procedures in place through our noise management plans and risk assessments, together with tight on-site management that leads me to believe that the residents are overstating the scale of any nuisance they experience. They have made it clear that they do not want the business in their vicinity and therefore I feel that this latest objection is an avenue of attack. I also believe that activity at their village hall is contributing to disturbing the complainants. This has however been a good opportunity to create a traffic management plan which I have submitted to the committee.

- Talk through the traffic management plan

I will seek to guide the committee as to the route that vehicles are most likely to take. Firstly, they will travel down the private road of the farm (Wick Road) until they reach Hastoe Cross. They do not pass any properties in doing so. At Hastoe Cross they have three options. They may turn left down Kiln Road, or right down Marlins Hill towards Tring. They also have the option of turning left off Marlins Hill onto Church Road to enter the village of Hastoe. Seeing as most cars will be heading to Tring hotels or onto the A41 to leave Tring, it is unlikely that they will turn left toward Cholesbury, or enter the hamlet of Hastoe. Instead, most of these cars will turn right, completely avoiding Hastoe, taking the most direct route to Tring (A41) by using Marlin Hill. I have included a map of the route we expect, and encourage cars to take. I have implemented some new strategies in our traffic management plan to avoid cars or pedestrians ever travelling through Hastoe.

- We are currently putting new updated maps on the website
- GPS coordinates on the website
- Weddings have taken place on this site since 2015. Some measures were put in place to aid the regulation of traffic, including signposting, a drop off point in the parking paddock, and dedicated taxi & coach drop off points. An area that we believe we could improve on is the steward/marshalling of the site road and car parking paddock.
- This year, stewards shall be appointed in clothing which identifies them as a steward for duties such as guiding coaches and mini buses to designated coach spaces, directing guests to designated taxi & coach pickup points etc. which are all contained within the paddock. The stewards will also seek to prevent pedestrians from leaving the site to find taxis.
- Furthermore, signs will be placed to prevent vehicles from stopping/attempting to drop pedestrians off on the highway and clearly direct them onto the wedding site to the designated drop off & pickup points. Our intentions are to provide a safe and controlled environment at the entrance & exit.
- Attendees are encouraged to share coaches or minibus. Information on local services is provided alongside general booking information
- For the small volume of cars we expect at each event there is ample car parking space on site, so no need for anyone to park on the public road. There is also a dedicated taxi drop off point for taxis attending the site.

- Discussions have been made to encourage just a few taxi companies to be dealt with reducing the problem with taxis loitering. We will encourage attendees, if not travelling via coach, to use the trusted taxi firm, namely Johns Taxis, Eco Cabs, DMG Bevs, Herts Cabs, Falcon Taxis. These companies are aware of the routes to/from the venue. They are also aware of procedures to be followed whilst they are on the event site. This will be carried out mainly through information given out with the booking conditions. There will also be banners/advertisement within the site itself.
- We expect no more than 40 cars to arrive and leave site throughout the day. Peak travel times are expected to be between the hours of 12:00 and 14:00, and also 21:00 – 00:00.
- Clear signposts are erected from the main roads in from Tring to aid attendees using the prescribed routes. All other roads will be Signposted as “No Access to Woodland Weddings, Lila’s Wood”. This preventative measure will help to keep traffic on small roads and through neighbouring villages/populated areas to normal levels, once again keeping disruption to a minimum.
- By also placing “No Access” signs at turn offs that may lead to the site but are unsuitable, we eliminate the possibility of people not sticking to 2 prescribed routes due to SatNavs, or already knowing a route to the site. This map, accompanied by coordinates, and directions will also be prominent on our web page and social media page. All signs will be placed where easily visible, and also where they will not present any obstruction to footpaths or vehicles in the road, sight lines for traffic or pedestrians, with due consideration to all road users including disabled persons or those with wheel chairs. Signs will be sandbagged if required. They will not obstruct any existing signs.
- We will also enter in to talks with local residents to avoid the signs being unlawfully removed. We have experiences 4 years of almost weekly thefts. I believe that this contributes hugely to taxis becoming lost late at night.
- We consider imposing a 10MPH speed limit on Wick Road for the day is a necessary measure. We feel the 10MPH limit does not adversely affect traffic running past the Wick. This will be a key factor in keeping any potential accidents/traffic related hazards to a minimum.
- Set up traffic will continue coming from within the farm and we will continue to use hand tools.
- We will erect a signpost at the end of the Wick Road encouraging attendees to dip their headlights late at night whilst passing Marlin’s Hill so that the one property there is not unduly inconvenienced.

I am unclear as to whether the committee will be discussing the point of noise. If so, I will talk the committee through the procedures we have put into place over the past 5 years. I will also take them through the current vigorous policies and procedures we abide by through our noise management plan. I have included records of the readings, and observations we have taken at Hastoe properties using our portable sound monitoring devices. I have also included the digital readings downloaded from our sound monitoring system within the venue.

The residents have raised the issue of light pollution. Although all the local properties enjoy long driveways, I can only assume that this is by way of car headlights? If so,

this will be dealt with by the above-mentioned measures. On site we predominantly use 15w festoon lighting, except for the DJ light rig. This cannot be seen, let alone cause a nuisance over half a mile away, through woodland.

In conclusion, although we largely disagree with the complaints posed by objectors, there have been some issues posed which I have taken time to find solutions to. I believe that the committee should grant our application on the basis that the business has robust policies in place, as well as expert consultants and a willing workforce.”

The Chairman invited questions for the Applicant.

Regulated entertainment was raised on several occasions but was not considered relevant to the application discussion, given that the application had been amended by the applicant to a maximum of 200 people, with music concluding at 23:00, therefore meaning that any entertainment would not be regulated in those circumstances.

The Chairman asked how many amplifiers they had. F Messenger advised they had two; the secondary system was a backup in case the first failed.

Councillor Allen referred to point 2.2.2 in the acoustics report and sought clarification on what the map was supposed to tell them. Mr Hurst explained that it highlights there are other sources of noise in the vicinity. Councillor Allen then queried which parts of the map were considered to be of the top end of the scale. Mr Hurst referred to the background and ambient noise survey which they undertook and suggested it would provide more useful and detailed information than the map. He then gave some examples for clarification.

There were no further questions.

The Chairman invited Mr Thomas to make representations on behalf of local resident, Kate Hampton. He read the following statement:

“Kate Hampton lives, with her family, at Keeper Cottage which (according to Google Earth) is exactly 300 metres from the application site as the crow flies. She will say:

1. She has personally suffered nuisance since the use of the venue started in 2016, particularly due to live and recorded music both being audible and disturbing her within her home and has complained constantly since.
2. The nuisance has included: increased traffic passing late at night, crowd noise (singing along to the music, ‘whoops and cheers’), a tannoy address system or some form of amplified speech, and in particular the music itself, often loud enough to make out the words to the songs but always a constant background beat. This has been almost every Saturday in the summer months.
3. A planning enforcement notice remains in force. A further application in March 2017 was withdrawn. In 2019, after monitoring during the 2018 summer season, Environmental Health were satisfied there was a statutory nuisance.
4. Whilst it is accepted that the lack of planning is not a reason in itself to refuse the application and that the committee and not bound by other decisions, the issues that

have arisen from the unlawful use are relevant, but we do not rely upon that alone.

### **The Application**

5. The application seeks to have live and recorded music until 11.00 pm, with late-night refreshment and the sale of alcohol on the premises (outdoors) until midnight.

6. However, the site will also be open beyond midnight and indeed until midday on the following Sunday. The proposed 24 hour use will therefore cause additional nuisance with customers on site presumably without any security presence and with cars leaving the site at all hours.

7. There also seems to be a proposed provision where the venue could open on any bank holiday, instead of a Sunday. This, in itself, is incapable of constituting a non-standard timing as the specific day or days are not specified.

### **The Live Music Act 2002**

8. At the outset, it is our case that the proposals, whilst potentially subject to the Live Music Act Deregulation when there are less than 200 persons present, do not and should not provide the ability and stage for her and her family to suffer public nuisance. I will explain:

a) As the Applicant has applied for Regulated Entertainment, the Committee needs to consider it as a licensable activity and the issues that raises;

b) It's only becomes exempt when they carry out an un-regulated activity: it not exempt when it is licensed;

c) I'm afraid the EHO has misunderstood the legal position for those reasons and his absence of representation does not therefore mean he supports the application.

d) In any event, that does not preclude:

(i) Conditions being applied which would then be dis-applied when the deregulation applies; or

(ii) Conditions to restrict more general public nuisance as this can be interpreted in the wider sense, connected to the provision of licensable activities being applied for (see paragraph 4.1 of the report (page 12) and Para 16.38 of the Guidance); or

(iii) The Authority taking into account Public Nuisance as a licensing objective.

9. No conditions have been proposed to support the licensing objectives, which is both rare and a concern. Particularly, no conditions have been proposed in relation to the music, which whilst disapplied under the exemption, could be re-activated upon review.

10. It cannot be the unintended effect of the Live Music Act for residents to suffer nuisance. There has not been any evidence proposed in terms of the genre of music, or anything that provides any comfort that it is anything other than it being a DJ

inspired party. What the Live Music Act had in mind was a light touch scenario for the provision of grass roots live music without unnecessary nuisance when it is possible and proportionate.

### **Kate's Representations**

11. Is set out at pages, 35. In summary, her concerns are:

- (a) Noise nuisance, that has occurred and will occur;
- (b) The lack of confidence that the Applicant can and will comply with any restrictions due to the nuisance suffered historically.

12. In respect of the application itself:

- (a) The applicant, apart from running a few events under temporary event notices, neither apparently has held a licence before or has any other experience of running large events;
- (b) That the application misdescribes itself as a wedding venue holding ceremonies and receptions. The premises is not licensed as a wedding venue. It is understood that they hold receptions and parties but not weddings themselves. There is a significant difference between a wedding venue and an event venue;
- (c) Any noise management plan that has been in place for previous events has been breached, resulting in both complaints and statutory nuisance;
- (d) There are no provisions for SIA or similar security, CCTV or indeed any other conditions which would be normally associated with a use of this kind.

### **The Noise Evidence (as rebutted by Richard Vivian of BigSky Acoustics)**

13. Mr Vivian will say:

- a) The 95dBA limit level at the premises is derived from draft and unpublished guidance. It is a guidance document in an early draft format and should not be in the public domain and therefore of no weight or reliance should be attached to it;
- b) The Report accepts that background noise levels in the area are low and the 15-minute average is recorded as low as 29dB LA90 later in the evening;
- c) For music noise to be subjectively inaudible, it would need to be around 10dB lower than the background level, i.e. 19dB;
- d) The proposed limit level at residential properties is 21dB higher than background noise;
- e) The proposed "new limit" of 45dB at any residential property is 16dB above background level and will cause a nuisance;
- f) The proposed limit level at residential properties is significantly higher than the background noise level and is therefore likely to result in a statutory nuisance;

- g) It is not correct a premises licence is not required and therefore the Applicant's Report which barely mentions licensing is deficient in this respect;
- h) The Application incorrectly states the sound system has a limiter. It incorrectly attributes the word "limiter" to a device called a Cloud CX263 which is merely a simple mixer that has no limiting function at all;
- i) At Page 22 of the Noise Management Plan, It quotes the *GOOD PRACTICE GUIDE* which says music should not be audible inside noise-sensitive property at any time. The Applicant's DRAFT Noise Report submitted with the Application suggests there is "*approximately 50dB(A) at the closest noise sensitive dwelling, and subjectively results in an aural level which is just audible*"
- j) There was an incident where the 8-piece acoustic band were able to defeat control measures in place for controlling music noise and evidence of other noise nuisance and complaints;
- k) There is no assessment of noise sources including deliveries, build, strike, overnight camping and patrons arriving and leaving the site. Neither is there an assessment of plant noise is normally required where generators are used;
- l) They have not evaluated the 63Hz octave band. Bass, is the most common cause of nuisance complaint regarding music noise, is effectively omitted from A-weighted measurements;
- m) Backline amplifiers are used. Again, from the Applicant's own web-site, it is understood guitar backline amplifiers have been used on the raised stage;
- n) It is not clear whether there is a proposal to control drums of percussion instruments and in the absence of a limiter, there is nothing to prevent the music being played at uncontrolled levels.
- o) Finally, whilst asserting that noise internally is unlikely to be inaudible, they have not carried out any internal readings.

14. The Application lacks any basic 'safeguards' such as:

- a) A trained and independent noise consultant being on site during the event. It would appear any monitoring would only be ad-hoc by the event staff;
- b) There is no sound limiter;
- c) Any condition setting the maximum noise level;
- d) There is no acoustic attenuation or mitigation at the event site; and
- e) No restrictions in relation to P.A or other amplification or "people noise" at or leaving the premises.

15. There have been incorrect statements that:

- a) The previous events have been incident and complaint free;
- b) Any noise management plan they have had has been adhered to (because if it had there would not have been complaints and a statutory nuisance reported by the EH);
- c) when the Application states *“music is fed through the PA so that we can control the amplified volume”* because the device fitted cannot limit it.

### **Statement of Licensing Policy**

16. Paragraphs 5.12 and 5.13 of the Report confirms that “nuisance” can and will be interpreted widely.

17. Paragraph 5.14 recognises that the EPA 1990 is “largely reactive” and the Policy relies upon licensing to establish “proactive controls” and “prevent a nuisance reaching a statutory nuisance in the first place”

18. Paragraph 5.16 recognises that noise can be from direct and indirect sources and should be considered at an early design stage (not reducing it from 50 to 45 at the last minute);

19. Paragraph 5.19 recognises the regard that must be had for premises in close proximity and that the use of such areas “has the potential to lead to public nuisance if not closely controlled.” The Operating Schedule is bereft of any conditions on what measures will prevent nuisance.

20. And specifically, in relation to Outdoor Events:

a) Paragraph 22.9. Account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority’s consideration will be balanced against the wider benefits to the community of these activities; and

b) At 21.7: One of the major concerns arising from outdoor events is disturbance to local residents from noise associated with music entertainment at the event, or other noisy equipment such as generators, public announcement systems, fireworks, and so on. The licensing authority will expect to receive a comprehensive operating schedule from licence applicants, containing appropriate proposals to control such issues and promote the public nuisance licensing objective.

### **Conclusion**

21. Reasons for the application to be refused:

a) It is not a reason to grant a premises licence because it’s easier than doing temporary event notices. A premises licence should promote the licensing objectives by having more conditions than a TEN;

b) The committee is perfectly entitled to consider public nuisance as a licensing objective not just in relation to music but also other noise associated with the use; and

c) The complete lack of any conditions or safeguards which promote the licensing objectives.”

The Chairman invited questions.

Councillor Allen asked if there was any way of measuring other sounds, such as people noise and not just music. Mr Hurst suggested that the Environmental Health department would have devices for recording nuisance noise which would record and measure all types of noise.

Mr Vivian advised that people and traffic noise can be measured using the correct metric.

Councillor Allen asked if that meant the measurements they had been provided with had not given the full picture of the noise that could be created by this site during its operational hours. Mr Vivian advised that due to the quiet location of the premises, background noise at particular times in the day wouldn't mask the noise level and annoyance of music and people celebrating.

There were no further questions.

The Chairman invited Mr Purse to make representations to the committee.

Mr Purse made the following objections:

“I object to the aforementioned application on the grounds of:

1. A consistent record of light intrusion by events at the site by the site operator, Woodland Weddings.
2. A consistent record of noise intrusion by events at the site by the site operator, Woodland – as is evidenced by all the noise complaints made by Hastoe villagers over the years of the site's operation as a wedding venue.

The precedent for no audible noise as conditionality for permitting events such as those run by Woodland Weddings is established in a document Woodland Weddings itself has submitted as part of one of its own planning applications for the Lila's Wood site: a planning approval at Brook Farm, Goffs Oak (ref 07/15/1136/F), which Woodland Weddings' application describes as a 'very similar case'. Condition 11 of the Brook Farm approval is that noise levels must be 'inaudible at surrounding residential dwellings'. Woodland Weddings has never adhered to such a principle when operating in Lila's Wood.

The application itself contains material inaccuracies – viz:

1. 'The venue has operated for five years'. The venue has operated parties organised by Woodland Weddings in 2016, 2017, 2018 and 2019 – so, four years
2. In relation to cars and traffic, 'the venue has operated for five years without incidents arising'. Incidents involving Woodland Weddings' traffic roaming through Hastoe and going up at least one resident's driveway are documented.

The applicant, in correspondence and documentation associated with the application cites noise she has recorded from events at the Hastoe Village Hall as what she appears to consider as precedent for noise in Hastoe. Such evidence of noise comes from recordings she, or those in her and Woodland Weddings' employ, have taken. Thus, her evidence is not objective. Furthermore, there has never been a noise complaint received in relation to an event at the Hall, which is double glazed. The Hall is run by a Trust which is non-profit making and is run for the benefit of the local community. It is not the Hall which is applying for a licence here and, thus, whatever goes on there is irrelevant to the aforementioned application which should be addressed on its own merits. Please note, in the interest of transparency, that I am a Trustee of the Hall.

The unwillingness of Woodland Weddings and the applicant to comply with Planning Enforcement Order 4/02210/17/ENA, issued by Dacorum Borough Council, demonstrates that there can be little confidence that the applicant or Woodland Weddings will comply with the terms of any licensing. Furthermore, the consistent use of fires within Lila's Wood, against the advice of one of Woodland Weddings own consultants, suggest that Woodland Weddings cannot be relied upon to manage the fire risk in such a combustible environment, as is suggested in the Licence Application."

Councillor Allen asked if there were any other events or sources of noise in the area that cause disruption to residents. Mr Purse said he could only recall one event but that was in a different woods. He said it was easy to distinguish where the noise was coming from and all other noise had come from Lila's Wood.

Councillor Rogers asked if there was any evidence of noise complaints. Mr Purse said there have been a considerable amount of noise complaints and diaries from local residents over the past 4 years. The Chairman highlighted that there had been no representation from the Environmental Health department.

F Messenger felt that the residents should have contacted her directly to discuss the issues rather than to bypass her and go straight to the Council to complain.

There were no further questions.

Mr Thomas made representations on behalf of Nigel Lane:

"I wish to object, on the following grounds, to the granting of the Premises Licence referenced MO50743.

Public nuisance:

1/ The application states “No high frequency acoustic instruments are permitted such as steel drums, trumpets, saxophones and horns”.

*This is not the case: On 5th August 2019 I made an emailed complaint to Neil Polden at Environmental Health about the excessive noise, from the P.A. system and Steel Band, the previous Saturday. Please also see my verification email to Neil of 16/08/2019.*

2/ The application states, last paragraph page 5, That there is a comprehensive system for noise monitoring.

*This is not the case: During the summers of 2018 /2019 E.H. have visited Hastoe Cross Cottage on a number of occasions:*

*1/ After E.H.'s visit on 13th July 2019 when the noise level was unacceptable, E.H. contacted Woodland Weddings and were told “it was a one off”.*

*2/ After E.H.'s visit in 1st September 2018 they informed me that the noise level where “the words of the songs were clearly audible, both inside and outside the house”, and that a noise enforcement notice was to be issued to the Messengers for 2019.*

*3/ Further evidence of excessive noise can be traced from my Noise Complaint Diaries for 2018/2019. I understand DBC has mislaid my 2017 Diary.”*

The Chairman pointed out that due to the lockdown situation he had been unable to visit the premises as it would have been inappropriate to do so.

Councillor Allen advised that he was familiar with the Hastoe area.

There were no further questions.

The meeting was adjourned at 4.25 pm and the sub-committee reconvened at 9.00 am the following day to deliberate.

**Decision:**

The Committee, having received clarity from the Applicant that capacity at the Premises is to be limited to 200 persons for the purposes of the premises licence and the Committee being satisfied in this regard, and consequently live and recorded music, for the purposes of this application, not being a licensable activity has resolved to grant the application for the premises licence with the requisite mandatory conditions and the following additional conditions:

1. Capacity for the audience at the Premises does not exceed 200 per event.
2. The Applicant uses all reasonable measures, including use of its parking attendants, to:
  - i. Ensure that guests do not leave the grounds of the Premises unless when leaving the event; and

- ii. Ensure that when leaving the Premises the guests do so in their chosen mode of transport; and
- iii. Encourage guests to leave the Premises in a manner which does not cause unreasonable disruption and/or nuisance to residents in the vicinity of the Premises.

In reaching this decision and applying these additional conditions, the Committee have been guided by the Licensing Authority's Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003. The Licensing Authority has had regard to the fact that the representations referencing the public nuisance licensing objective have largely centred on the noise generated through the provision of live and recorded music, which is not a licensable activity following the Applicant's clarification. The Committee have noted that none of the responsible authorities have submitted any representations, including those responsible authorities who would have the responsibility for exercising functions to manage any concerns over noise nuisance.

The Committee remind the Applicant and persons affected or concerned by this application of paragraph 9.5 of the Licensing Authority's Statement of Licensing Policy and encourages dialogue between these parties to address any concerns. The Licensing Authority will facilitate any such dialogue through mediation.

The Committee are satisfied that the relevant representations will be addressed by the provisions contained within the operating schedule but also the additional conditions set out within this decision notice. The Committee are further satisfied that the Licensing Authority and other responsible authorities have powers available to them in the event that issues arise following the issuing of this premises licence.

The Meeting ended at 4.25 pm