

## South Somerset District Council

**Minutes** of a meeting of the **Licensing Sub Committee** held at the **Council Chamber B** on **Tuesday 13 October 2015**.

(1.45 pm - 3.05 pm)

**Present:**

**Members:** Martin Wale (Chairman)

Clare Aparicio Paul  
Val Keitch

**Officers**

Paul Huntington	Senior Environmental Protection Officer
Vicki Dawson	Principal Environmental Protection Officer
Ann Chislett	Legal Executive
Anita Legg	Licensing Officer
Jo Morris	Democratic Services Officer

**Also Present:**

Mrs Rebecca Jones          Notice Giver

**Note:** All decisions were approved without dissent unless shown otherwise.

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### 7. **Declarations of Interests (Agenda Item 1)**

Councillor Clare Aparicio Paul declared a personal interest in Agenda Item 3, as she knew of the parties concerned due to the proximity of her ward to the venue.

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### 8. **Procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Event Notice (TEN) has been received (Agenda Item 2)**

The Chairman advised that there had been a delay in the commencement of the meeting as not all Parties had received a copy of the correspondence submitted by the Notice Giver prior to the hearing. He confirmed that all Parties had been given the opportunity to read the Notice Giver's submission.

The Committee noted the procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Events Notice (TEN) has been received. The Chairman introduced the members of the Sub-Committee, the Officers and Parties present at the hearing.

The Chairman confirmed the following points:

- That the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting;
- That no objections had been withdrawn;

- That two standard temporary event notices had been received and each one would be determined separately on its own merits.
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## **9. Objection Notices Received in Respect of Two Standard Temporary Event Notices for Old Oak Farm, Back Lane, Curry Rivel, Langport (Agenda Item 3)**

The Licensing Officer presented the report as detailed on page 5 of the agenda and drew members' attention to the following points:

- 2 standard temporary event notices had been received from Mrs Rebecca Jones for Old Oak Farm, Back Lane, Curry Rivel;
- The 2 temporary event notices related to weddings on 9<sup>th</sup> July 2016 and 6<sup>th</sup> August 2016 with a maximum number of 200 people attending each event;
- The proposed activities related to sale of alcohol, regulated entertainment and late night refreshment;
- 2 objection notices had been duly served by the Council's Environmental Protection Department;
- Conditions could not be imposed on the standard temporary event notices because the venue did not have a premises licence;
- Each temporary event notice should be considered separately on its own merits;
- The premises was defined as a marquee and converted stable located within a field and did not extend to the whole of Old Oak Farm;
- Mrs Jones had already submitted 8 temporary event notices for 2016, for which no objection notices had been received;
- Reference was made to the options available to the Sub-Committee and the Right of Appeal as outlined in the agenda.

The Chairman invited the representative from the Environmental Health Service to address the Committee. The Senior Environmental Protection Officer explained that Environmental Health had been investigating several noise complaints relating to temporary event notices held during the year at the venue. A number of complaints had been received about the premises in July and as a result the venue was placed onto the 'out of hours' system. A complaint was received about the venue on 19<sup>th</sup> September and an officer attended to assess the situation. He arrived at a property approximately 400 metres away from the venue at 10.00pm and found music to be clearly audible inside the bedroom with the window open. He could clearly hear the lyrics of a song being sung. The level of noise would be a problem for anyone trying to sleep with the window open. When the assessment took place the officer took into account the volume of the music, the nature and character of the area and the frequency of occurrence. On this occasion the officer did not feel the nuisance was sufficient to warrant serving an Abatement Notice. The owners of the venue had been written to and advised that a visit had taken place. He explained that he was concerned about the potential for public nuisance and commented that there were several residential properties that were closer to the venue than the one visited.

The Notice Giver was then invited to address the Sub-Committee. She explained that she had been operating the business since 2013 with a significant increase in bookings in the last 12-18 months. In spite of going down the correct licence and planning avenues she was unaware of the distance sound travelled. Since the problems had been brought to her attention she had taken action and following health and safety

advice applied her own noise restrictions at the venue to try to eliminate the problem. Measures she had introduced included the following:

- The end time for live bands was 11.00pm and playing time was often restricted to 2 hours;
- Speakers were placed directly away from the house in close proximity;
- Lining of the marquee with hay bales in an attempt to absorb sound;
- A decibel reader was used to record the sound levels and she ensured that music did not play above 100 decibels (recorded just 2 metres from the source);
- The marquee was positioned within the field in such a way to make use of the hedges and trees as natural sound barriers;
- More planting to be in place the following year and to allow hedges to grow higher in an attempt to create sound-reducing barriers;
- The intention to install a sound limiter;
- Advice had been sought from an acoustic specialist.

The Notice Giver reiterated that she was doing all she could to right the problem. She referred to the business being blamed for all sound pollution in the area and gave a number of examples of when complaints had been received when no event had been held at the venue or an event had already finished.

In response to a number of questions, members were informed of the following:

- The Senior Environmental Protection Officer was not able to confirm that all complaints received related to Old Oak Farm and this was one of the reasons for placing the venue on the 'out of hours' system. He fully understood the points raised by Mrs Jones but only evidence collected by the Environmental Health Service was taken into account;
- It had been confirmed that the music heard on 19<sup>th</sup> September had been coming from the venue and that a temporary event notice had taken place on this date;
- The Senior Environmental Protection Officer explained that an Abatement Notice had not been served because at the time of the assessment there was insufficient evidence of a statutory nuisance;
- The Principal Environmental Protection Officer confirmed that there were several residential properties nearer the site;
- The Senior Environmental Protection Officer had considered the fact that people didn't often complain when subjected to a nuisance and that a judgement should be made of the likelihood of a nuisance;
- The Environmental Health Service had no way of assessing what measures had already been put in place as the event held on 19<sup>th</sup> September was the last one held this year;
- The members of the Sub-Committee were provided with a map which showed the general area of where the complainants were located in relation to the venue.

At parties confirmed that they were satisfied with the conduct of the hearing.

The Officers and Parties with the exception of the Legal Executive and Democratic Services Officer, attending in an advisory capacity only, withdrew from the meeting to allow members of the Sub-Committee to consider their decision in private.

Members of the Committee considered their decision in private session and were mindful of the advice given to them by the Legal Executive.

When the meeting was reconvened, the Chairman asked the Legal Executive to give a summary of the advice given to them during the private session. She advised that the Sub-Committee had considered the objections from the Environmental Health Officers, took into account the duty to promote the licensing objectives and the two options available to the Sub-Committee in this case.

The Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee.

In respect of the two Temporary Event Notices received for Old Oak Farm, Back Lane, Curry Rivel, Langport, TA10 0NY, under the Licensing Act 2003, the Licensing Sub-Committee has determined that the events on 9th July 2016 and 6th August 2016 should proceed in accordance with the temporary event notices.

The Committee carefully considered the Applicant's submissions for each Temporary Events Notice and determined them separately upon their own merits and took into account the submissions of the Environmental Health Officers and promoting the licensing objective in the overall interest of the community. Members were mindful that the TENS regime currently allowed 12 events per year (15 events per year from 2016) and members were keen to support local events and activities as long as there was no negative impact on the community and, whilst recognising some complaints had been received, the Environmental Health Officers had monitored a previous event, the nuisance had not been sufficient to warrant an Abatement Notice and therefore a refusal was not justified. The members were also mindful of the measures already put in place by the Applicant since the last event to try to prevent any future Public Nuisance.

All parties are reminded that there is a right of appeal against the decision of the Licensing Authority. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination, and should be made to the South Somerset Magistrates Court.

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Chairman

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Date